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House of Representatives

The House met at 10 a.m.

Sister Benedict Kesock, O.S.B., Principal, St. Charles School, Arlington, Virginia, offered the following prayer:

Lord God, what a great idea to make us all different.

May we come to know one another and the ministry to which we have been called, especially those who meet within these great walls. You have asked us to be leaders, caretakers, role models. Be with us as our counselor and our support as we continue the journey of ministering to others and to one another in a world of turbulence. All that lies ahead of us is yet unseen.

We pray for our President and his advisors, for all those who make decisions which affect our lives on a daily basis. We pray, especially, for our military families, those who are separated at this time, for those who have lost their lives, and for their families; for the people of Iraq, for their suffering homeland.

We are a family of nations. Experience and history has taught that community formed out of diversity is dynamic and beautiful. Lord, keep us motivated and challenged that we may gain an ability to listen to one another and to grow. There can be unity and strength in our diversity. May our differences be stepping-stones to a lasting peace and to a new tomorrow.

We ask You, Lord, to renew our humanity in Your image and likeness and to introduce us into a world where all hostile forces are overcome. We pray for those who need to have a change of heart, for a world where we communicate in love, joy and peace, for and with the people of our universe.

Father, fill our hearts, our homes, our Nation, our world with peace, and let it begin with each one of us.

We especially remember this morning our dear friend and colleague Senator Daniel Patrick Moynihan and his family.

Feel the Spirit. Live the Spirit. Spread the Spirit. Lord, we are the

Spirit. May it be said that the world is a better place because we are here. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. BURNS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURNS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING SISTER BENEDICT KESOCK, O.S.B., PRINCIPAL, ST. CHARLES SCHOOL, ARLINGTON, VIRGINIA

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, the invocation, the prayer for today, was delivered by Sister Benedict Kesock. Sister Benedict is a Benedictine Sister. She entered the Order in 1954, and for the last 29 years she has been at St. Charles School in Arlington, Virginia, 27 of those years as principal. She has served under nine pastors and three bishops. She has trained all of them and probably outlived most of them all.

Sister Benedict is an institution at St. Charles and in Arlington County, Virginia. She has dedicated her life to God and served God by teaching and in-

spiring and mentoring her students. It has been a labor of love the entire time, and it has been reciprocated.

In 1999, we thought we were going to lose Sister. She went to Arlington Hospital. They would not operate; they did not think it was worth it. So she went to Washington Hospital Center and got a six-way heart bypass in 1999, a six-way bypass. And she is still ticking, as you can see. She believes there must have been some reason that God saw to keep her with us.

This institution is terribly proud to have had Sister Benedict give us the invocation today. Her life is a testament to her faith.

She gave us one little story that I think some of you who may have been educated in Catholic schools might relate to. A former male student of hers was driving by the school where there is a lot of new construction going on. They were building a new center. There was an enormous construction hole in the ground. So one of the thousands of boys she straightened out, after seeing it, called her on his car phone to tell her, "Sister, I didn't do it." Those of you who are listening may be able to relate to that feeling.

The fact is, Sister Benedict did do it. She has helped build a school, the new St. Charles Center and a community of faith in Northern Virginia. She has taught and inspired hundreds of students every year for nearly 30 years. She is what makes this country run so well.

Sister Benedict, thank you for everything you have contributed throughout your life; and thank you for giving us the prayer this morning.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be five 1-minute per side.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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VOICES OF CRITICISM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, this week has reminded us that war is serious business. Each day we see our brave soldiers on TV making great progress against Saddam Hussein and his brutal regime. Now, more than ever, the troops need our support and encouragement.

Mr. Speaker, we should stay united behind our troops. Our troops do not need to hear criticism of their mission from this body or this Capitol. When their Nation's leaders question their mission, I can tell you, as a combat veteran, it is discouraging. It is tough to stay focused when the leaders you look to for strength are not in your corner.

Most people disregard professional protestors, especially when they see their placards saying "capitalism is the problem." But when they hear their leaders criticizing their mission to liberate the people of Iraq from a brutal tyrant and his thugs who rule by terror, that is disheartening.

Mr. Speaker, I urge my colleagues to stop making our Capitol building a platform to criticize the war and our troops. That only hurts our troops in the field.

"PORKER OF THE WEEK" AWARD GOES TO DEPARTMENT OF ENERGY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the Department of Energy recently hosted a flea market. They sold 23 trucks worth \$448,000 for 17 cents each, a \$9,000 copier for a nickel, and a drilling rig for \$50,000. The sales also included motor homes, laboratory equipment, and cranes.

The sales were made under a Federal program intended to promote economic development in communities around Energy Department sites by selling surplus property to nonprofit organizations. But they sold all of this property to one single organization, the NTS Development Corporation of Las Vegas, which bought the drilling rig, paid a subcontractor \$71,000 to inspect and clean it, and then sold the rig for \$248,000 to an equipment broker in Texas. The equipment broker now has the rig listed for sale for \$3.9 million.

While it is certainly a worthwhile endeavor for the Energy Department to promote its host communities, it is an appalling lack of judgment to sell pieces of equipment for millions of dollars below market value. The Department of Energy gets my "Porker of the Week" Award.

HONORING CRAIG DURFEY FOR HIS FIGHT AGAINST AUTISM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Craig Durfey for his tireless work in the fight against autism.

Craig is the founder of Parents for the Rights of Developmentally Disabled Children. As a father of children with autism, he knows firsthand the difficulties that come with dealing with this dreaded disease.

Today autism is a national crisis that affects nearly 1.5 million children. According to recent studies, as many as one in every 250 children born today will be diagnosed with autism. Autism costs the Nation between \$20 billion and \$60 billion annually, and the projection for the next 10 years will be that it will cost \$400 billion.

Autistic children go to doctors three times more often than normal children, and many times families must travel hundreds of miles to see a knowledgeable doctor that understands autism.

Craig has been working tirelessly to provide funding for programs in my community and in the Nation that would train social service and law enforcement personnel on how to identify children with this type of disability.

I applaud Craig for his efforts, and I will continue to work on his behalf with my colleagues in the Congressional Coalition for Autism Research and Education to increase funding for ideas like Craig's and to find a cure for autism.

REMEMBERING OUR AMERICAN PRISONERS OF WAR

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, as our collective attention and focus is on the war in Iraq, it is critically important that we remember our troops who are prisoners of war. Allow me to read the names of these brave men and women who are now enduring life as a POW:

Patrick Miller, age 23, from Park City, Kansas;

Ronald D. Young, Jr., age 26, from Lithia Springs, Georgia;

David S. Williams, age 30, from Orlando, Florida;

Joseph Hudson, age 23, from Alamogordo, New Mexico;

Shoshana Johnson, age 30, from Fort Bliss, Texas;

Edgar Hernandez, age 21, from Mission, Texas; and

James Joseph Riley, age 31, from Pennsauken, New Jersey.

Mr. Speaker, these soldiers are again proving that freedom is not free. May we all as Americans remember these brave men and women and pray for

their families, their safety and their rapid return.

□ 1015

SUPREME COURT TO RULE ON AFFIRMATIVE ACTION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there is not a morning or a day, in light of the raging winds of war that our young men and women are facing in faraway places, that one sometimes may wonder about the importance of the work of this body. So I rise this morning to again ask our Nation to be reminded of those brave young men and women, those who are fighting, as well as those who tragically have now lost their lives and their mourning families and, as well, the POWs who are waiting to return home to their loved ones.

It seems almost that we should step aside from issues dealing with ordinary life. But I might ask, Mr. Speaker, that as our brave troops are fighting for freedom, and we respect and honor them, that on April 1, 2003, the Supreme Court will hear what I believe will be the most challenging civil rights argument in the last 50 years. Many of those troops are impacted by this argument, and that is the decision of whether or not to make affirmative action unconstitutional.

Affirmative action, as we know, is not a handout or a quota, but simply an opportunity to outreach to the many wonderfully diverse communities in this Nation so that our young people can sit in classrooms where they might learn from each other.

Mr. Speaker, I am disappointed in the administration for its position on affirmative action, and I believe as well that we must stand and be counted for the civil rights for all Americans. I hope the Supreme Court will respond accordingly.

HONORING OUR TROOPS

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to pay tribute to our men and women in uniform. Thousands of miles from home in an unfamiliar land, these men and women fight for a cause much larger than themselves.

The men and women of the United States Armed Forces fighting in Iraq do so for freedom. They fight to protect the freedoms of their fellow Americans and to gain freedom and liberty for the tired and the poor and the downtrodden masses that have lived under the shadow of Saddam Hussein's tyrannical reign for decades.

As the President said about Hussein's reign this past Tuesday, "We are fighting an enemy that knows no rules of

law that will wear civilian uniforms, that is willing to kill in order to continue the reign of fear of Saddam Hussein. But we are fighting with bravery and courage."

Mr. Speaker, I believe today that there are no Democrats, there are no Republicans in support of our troops; there are only Americans, praying for their quick victory and their speedy return home to their loved ones.

Mr. Speaker, I thank them for their sacrifices in America's time of need.

REVIEWS IN ON FCC DECISION REGARDING RULES GOVERNING TELECOMMUNICATIONS INDUSTRY

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, the reviews are in on the February 20 FCC decision on the rules governing the Nation's telecommunications companies, and they are not good. Specifically, the reviews state that the requirements to make the RBOCs networks and systems available on an unbundled and subsidized basis are unsound.

For many Members of this Chamber, economists, and industry observers, the FCC's proceeding was an opportunity to provide clear rules and regulatory rationality to an industry sector that has tumbled in recent years with job losses and reduced capital investments, which has affected a manufacturer in my district.

Unfortunately, from these reviews on this decision, the FCC has failed miserably in their attempt to revitalize this necessary industry.

Has this industry not suffered enough? Two trillion dollars of market cap, half a million telecommunications jobs lost, and \$800 billion in debt have gone away. Hardware equipment and software manufacturers are stumbling.

The FCC has taken a mess and made it harder to clean up. Somebody has to fix this: Congress, the courts, maybe even a miracle itself from the FCC.

PRESIDENT SHOULD DEFER TAX CUTS

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, I want to make one appeal to the President and my Republican colleagues, and Democrats as well. We are a few days away, if not a few weeks away, from debating a tax cut bill that all of us wish and desire, for all of those here and those watching, could receive at home. We have one problem, though.

We have committed some 300,000 and, if the papers are to be believed this morning, an additional 30,000 troops will be deployed overseas. The President has his hands full, as does the national security team, in defining our

goals clearly in Iraq. Yet their domestic team continues to try to advance an enormous tax cut, which all of us again want.

The problem we face is we have States that are struggling, we have a budget that is out of balance, we have a war that needs to be paid for, and we have all of our domestic needs.

Mr. Speaker, I ask the President in the most humble of ways: defer your tax cut, defer new spending. Let us do two things first: one, help the States; and, two, pay for this war. After that, all of the tax cuts and stimulus and spending programs that all of us may want, let us consider those things in that context.

I say to the President: defer your tax cuts, sir, and help our States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). Members are reminded to address the Chair and not the President.

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 on H.R. 1104.

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

There was no objection.

CHILD ABDUCTION PREVENTION ACT

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 160 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1104.

□ 1021

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1104) to prevent child abduction, and for other purposes, with Mr. UPTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 22½ minutes; and the gentleman from Georgia (Mr. GINGREY) and the gentleman from California (Mr. GEORGE MILLER) each will control 7½ minutes.

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

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

Mr. Chairman, sexual predators target America's children every day in

large cities, small towns, and even in cyberspace. 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.

H.R. 1104, the Child Abduction Prevention Act, is comprehensive legislation that directly and forcefully addresses these heinous crimes. The bill is virtually identical to H.R. 5422, which overwhelmingly passed the House last October by a vote of 390 to 24. Like so many other meritorious bills sent to the other body in the last Congress, this legislation was allowed to die by the Democrat leadership.

An abducted child is a parent's worst nightmare. We must ensure that law enforcement has every possible tool necessary to try to recover a missing child quickly and safely. H.R. 1104 not only gets the word out after a kidnapping, but it also takes strong steps to prevent them from occurring in the first place. The bill strengthens penalties against kidnapping and aids law enforcement agencies to effectively prevent, investigate, and prosecute crimes against children.

Prompt public alerts of an abducted child could be the difference between life and death for that innocent victim. Recognizing this, the bill codifies the AMBER Alert program currently in place in the Departments of Justice and Transportation and authorizes increased funding to help States deploy child abduction communications warning networks.

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 a system and harm other children.

To this end, this 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. 1104 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 already been convicted of similar offenses. Sex offenders and child molesters are four times more likely than 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. 1104 provides judges with the discretion to impose lifetime supervision upon 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. H.R. 1104 works to end this.

This legislation also authorizes increased support through 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 about ways to protect children from abduction, molestation, and sexual exploitation.

Some have called for a stand-alone AMBER bill instead of the comprehensive approach we have taken to address the problem of child abductions in this country. I note with interest that the DCCC, the political wing of the House Democrats, have labeled provisions of the bill I have just outlined as controversial.

I do not think these provisions are controversial. Neither do the Department of Justice, the National Center for Missing and Exploited Children, or the 390 Members of Congress that voted for this bill last year. Mark Klaas, father of kidnap and murder victim Polly Klaas, supports us. Mr. Klaas said, "I'm behind what Mr. SENSENBRENNER's doing. I like the idea of a 2-strike law for people who are committing sexual offenses against children. And what it says is that if somebody does that, they are going to spend the rest of their miserable life in prison if they are convicted a second time. I see no problem with putting it out on the floor and seeing where people fall on it."

Those who say we need a stand-alone AMBER bill on the President's desk today do not understand the actual impact of such a bill. The fact is that much of the stand-alone AMBER bill has already been implemented and is in place right now.

The stand-alone AMBER bill calls for a national coordinator. On October 2, 2002, President Bush directed the Attorney General to designate a Justice Department officer to serve as AMBER Alert coordinator to help expand the AMBER Alert system nationwide. Assistant Attorney General Deborah J. Daniels was designated as that coordinator and for almost 6 months has been working to assist State and local officials with developing and enhancing AMBER plans and promoting statewide and regional AMBER coordination programs ever since.

The Departments of Justice and Transportation already have \$12.5 million in the bank today, ready to respond and spend on AMBER programs.

Furthermore, in a March 18, 2003, letter to me, the Department of Justice stated that it has not been hampered in its efforts to implement an AMBER Alert program because of any legislation that has yet to be signed into law. Stand-alone AMBER legislation, in the words of the Department of Justice and their statement of administration policy, merely codifies current practice.

□ 1030

This Congress must do better than codifying current practice, and this bill

does that. Let us be clear, if a stand-alone AMBER Alert were enacted into law today, nothing that is already being done would change. This bill merely supplants the Department of Justice general authorization with a specific authorization. It may make some feel good, but it will not help protect America's children from kidnapping and sexual abuse in the first place.

Federal money is in the pipeline for AMBER programs and is ready to be spent. A national coordinator has already been appointed. What we need now is a comprehensive legislative package that will crack down on child abductors, build and expand on the work of the National Center for Missing and Exploited Children, and give Federal authorities additional tools to prevent and to solve these horrific crimes.

I urge my colleagues to ignore the political rhetoric and to protect America's children by supporting this bipartisan and noncontroversial child protection legislation.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 1104. I would like to be able to support the AMBER Alert part of the bill, but that bipartisan, noncontroversial part of the bill has been buried behind literally a host of controversial sound-bite-based provisions which have passed the House several times, only to die in the Senate.

The AMBER Alert portion of the bill would codify a program of grants and assistance to States and localities to establish a nationwide system of communications and alerts to assist in locating and returning missing and abducted children. The system has proven itself on the State level and would help save lives and additional heartache on a national basis.

The AMBER Alert bill has already passed the Senate unanimously and could pass unanimously in the House, I believe, absent the controversial sound bites that have been tacked on.

Last Congress, many of us warned the majority that coupling the AMBER Alert bill with controversial sound bites would mean that neither the AMBER Alert nor the sound bites would be passed, but the House passed the same kind of omnibus bill anyway; and, as expected, the whole thing died in the Senate. Yet, here we are again facing the same misguided strategy and this time again with even more reasons for the Senate to reject the bill which the AMBER Alert bill is buried in. Again, we have to protest the strategy that will again defeat the AMBER Alert system and again defeat the sound bites as well.

Mr. Chairman, I think the Senate has chosen not to consider many of the controversial items hitchhiking on the AMBER Alert bill for good reasons: more death penalties, at a time when

we know the death penalty has problems; more mandatory minimums, two strikes and you are out. We are authorizing FBI wiretaps for behavior that is not even a crime; pretrial detention, lifetime supervision, and removing the statute of limitations on crimes such as adults crossing State lines to engage in consensual sex that would be a crime in the home State. I would just remind Members that any kind of sex outside of marriage is a crime in Virginia.

Virtually all of the crimes described in the bill are already crimes with significant penalties. Others have already passed the House in separate bills and are still pending in the Senate, as they have been for the last 6 years.

It is wrong to hijack the AMBER Alert bill to try to pass these things again. It will not help AMBER Alert, and it will not help pass the extraneous provisions.

It is true that the President has not waited for Congress to pass an AMBER Alert bill and has, by executive order, implemented many of the provisions of the bill. But the passage of AMBER Alert is still necessary to make the program permanent and to increase the funding of the program.

Mr. Chairman, we have letters from the National Association of Police Organizations, and I will just read two paragraphs from it:

"On behalf of the National Association of Police Organizations, representing 230,000 rank and file police officers from across the United States, I would applaud your valiant efforts in calling for an immediate passage of stand-alone AMBER Alert legislation. The recent successful recovery of Elizabeth Smart exemplifies the power of an informed public.

"In this light, legislation that will greatly enhance recovery abilities should not be tied down with additional controversial provisions and political wrangling. The Senate quickly passed S. 221 92 to nothing. Like other child abduction bills, H.R. 412 and S. 121 enjoy broad bipartisan support."

We have other letters asking for passage of a stand-alone AMBER Alert bill from the Edward, Lois and Elizabeth Smart family and from the Polly Klaas Foundation. I would ask that we defeat the bill and take up H.R. 412, the stand-alone AMBER Alert bill.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), the author of the stand-alone AMBER Alert bill on the House side.

Ms. DUNN. Mr. Chairman, on behalf of the Smart family, the Polly Klaas Foundation, the National Center for Missing and Exploited Children, and the thousands of families still searching for their missing children, I rise today to join our chairman in offering hope that we will establish a voluntary, nationwide AMBER Alert system to find children.

I want to compliment the chairman for moving this bill so speedily through the House of Representatives.

The AMBER Alert was named after a little girl named Amber Hagerman who was kidnapped and killed by her abductor. The community rallied around her family to begin a search that resulted in the AMBER Alert program.

In 1997, a Washington State child homicide study, which examined over 600 child abduction murder cases from all over the country, found that the first 3 hours of a child's abduction are critical to bringing this child home safely. This is the reason that we are seeking an AMBER Alert program.

To date, AMBER has been credited with the safe recovery of 52 children, including, very recently, a 12-year-old California girl reunited with her family after a witness saw the car described in AMBER Alert messages transmitted across the State.

We know the AMBER Alert system works by allowing communities to tap into the resources of an educated public, prepare law enforcement and engage the media in reuniting children with their family. The media and an educated public were absolutely critical in the safe return of Elizabeth Smart.

President Bush and his administration showed strong and early support for our legislation last year and took the first steps by providing grants to States and localities to help establish AMBER Alert programs. It is now time for Congress to codify AMBER Alert and provide additional funding to power all communities with the tools and resources to react quickly to child abductions and bring these children home safely to the arms of their parents.

We witnessed a very joyful reunion of Elizabeth Smart and her family 2 weeks ago. I know that President Bush is committed to signing AMBER Alert into law very soon. I also know that our leadership will keep its commitment not to allow it to languish in a conference committee.

Mr. Chairman, would it not be wonderful never again to have to name another piece of legislation after a little child who died? I urge our opponents and supporters everywhere to get together with us on AMBER Alert. It is a wonderful opportunity to establish a great system. Let us support this legislation today.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Crime, Terrorism and Homeland Security.

(Mr. COBLE asked and was given permission to revise and extend his remarks.)

Mr. COBLE. Mr. Chairman, I thank the gentleman for yielding time to me.

The gentleman from Wisconsin has pretty thoroughly examined this bill. I just want to reiterate that this legislation is good policy. It has the potential

to protect and save lives, the lives of the most innocent among us.

H.R. 1104 is divided into three titles to improve the law related to child abductions by addressing sanctions and offenses, investigation and prosecution, and public outreach. The legislation sends a clear message that child abductors will not escape justice.

Title I, "Sanctions and offenses," strengthens the penalties against kidnapping by providing for a 20-year mandatory minimum sentence of imprisonment for nonfamily abductions of a child under the age of 18. This title also requires lifetime supervision for sex offenders, which is similar to a bill that passed the House last year 409 to 3.

Also included is a provision that requires mandatory life imprisonment for second-time sex offenders that also passed this body 382 to 34 last Congress. In addition, this title directs the U.S. Sentencing Commission to increase offense levels for crimes of kidnapping and adds child abuse that results in death as a predicate for first degree murder.

Title II, "Effective investigation and prosecution," gives law enforcement agencies the tools they need to enforce the laws against child abduction. This title adds four new wiretap predicates that relate to sexual exploitation crimes against children which previously passed the House 396 to 11 last Congress. The title also provides that child abductions and felony sex offenses can be prosecuted without limitation of time and provides a rebuttal presumption that child rapists and kidnappers should not get pretrial release.

Title III, "Public outreach," establishes a national Amber Alert program based on the bill of the gentlewoman from Washington (Ms. DUNN) and the gentleman from Texas (Mr. FROST) to codify the AMBER Alert program currently in place. This is a voluntary partnership between law enforcement agencies and broadcasters to activate an urgent alert bulletin in serious child-abduction cases. The goal of the AMBER Alert, as has been explained, is to have the assistance of millions of people in the search for an abducted child.

This title also increases support for the National Center for Missing and Exploited Children, the Nation's resource center for child protection, by doubling its authorization to \$20 million.

Furthermore, Mr. Chairman, the title authorizes COPS funding for local law enforcement agencies to establish sex offender apprehension programs within their States.

Mr. Chairman, the recent wave of high-profile child abductions illustrates the tremendous need for this legislation in this area. The criminals breach the security of our homes to steal, molest, rape and kill our children. Immediate action is necessary.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 6 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.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Virginia for yielding time to me, and I particularly thank him for his very thoughtful remarks on a very important legislative initiative.

I would like to thank my colleague and friend, the gentleman from Texas (Mr. FROST), and the gentlewoman from Washington (Ms. DUNN) for their insight and leadership on an AMBER Alert national bill and my colleague and friend in the other body from the State of Texas, likewise, for the leadership on this issue.

Mr. Chairman, I am going to eventually vote for final passage. I think it is important to get that on the record. But I also believe it is important to acknowledge the fine analysis the gentleman from Virginia (Mr. SCOTT) has given to this legislation and to be able to share with my colleagues why it is extremely important that we use a different approach in this House.

Many times we are viewed as both partisan and singular in perspective as it is directed to the two bodies that are called Congress. Many times our legislative tactics are perceived as on-upsmanship, or "got you." I believe it is important in the instance of this legislation as it initially started out, the AMBER Alert bill, to really be both bipartisan, bicameral, and to respect the underpinnings and the importance, if you will, of passing a clean AMBER Alert bill.

I was disappointed in the Committee on Rules, in the typical response that one receives, in not having an amendment that had to do with added funding for our Juvenile Division in the Department of Justice.

As the war is raging in Iraq, we find there are troubling times in many of our cities as it relates to gang warfare. Many of us thought that we had overcome that over the past years, but in Los Angeles in particular I have had a number of colleagues indicate the tragedies that are going on with the intense gang wars. I believe the more monies that we can invest in rehabilitating our youth, in providing mentoring programs for our youth, that is a good investment. That amendment was not accepted.

But since the process was opened, the amendment was offered. I would have been willing, Mr. Chairman, to have eliminated all efforts at amendment so that a freestanding AMBER Alert bill could be passed. What does that mean? It does not mean that the viable provisions that have been added to this legislation do not have merit. I believe they sufficiently have enough merit that we could proceed with them independently in a separate bill.

My understanding is that the other body is not going to take this bill as it is. There may be the thought that we will go into conference, and what that will do is to cause a delay. I believe

that, in formulating legislation, we should be listening to those that we represent.

I would like to share the words of the Polly Klaas Foundation that urges Congress to pass immediately H.R. 412, a freestanding bill.

"H.R. 412 is a popular bipartisan bill from MARTIN FROST and JENNIFER DUNN that would establish a national AMBER Alert network."

□ 1045

The bill needs to stand as it is, as a Senate-passed stand-alone AMBER bill months ago, and the House should do the same. Every day that the AMBER Alert bill languishes, so does the safety of our children.

As one who can see the AMBER Alert system working in Texas, Mr. Chairman, I can tell my colleagues that it has amazing results when the flashing lights on freeways show that those who are traveling those freeways can immediately respond to local law enforcement. That is what the AMBER Alert does.

Clearly I would say that in the Elizabeth Smart case, her father indicated his desire to see a freestanding AMBER Alert bill passed, and he indicated that the community was largely, in part, the result or the basis upon which Elizabeth Smart was found.

This bill has an expansion of the death penalty. They may be valuable, but we should have separate hearings on that.

This bill increases mandatory sentences. They could be valuable, but we should have separate hearings on that.

This bill expands wiretap authority; and even though I believe child predators are the worst, we should have separate proceedings on that and separate freestanding bills.

The fact that this bill eliminates the statute of limitations is a problem. Eliminating pretrial release should be addressed, although I wholly agree with the idea that we should separate predators from our community. But all of these matters, Mr. Chairman, I believe require an independent assessment and would do well in this body and the Senate if they were freestanding.

The only thing we do today is to get probably an enormous vote in favor, and that will probably occur; but what we do is we stall the process of a legislative initiative that could move quickly through both bodies, and I believe that is not the task of legislators who are sincere about their work on behalf of constituents. I think it is important, Mr. Chairman, that we bifurcate our work, move a freestanding AMBER Alert bill along and begin to assess these very reasonable additions in a freestanding bill so that we can have finally signed by the President of the United States the AMBER National Alert System that so many cities and counties and States need and the funding that goes with it and, might I add, the additional funding that might

come as it relates to other entities that we are interested in.

I would ask my colleagues to speak to the issue of a freestanding AMBER Alert bill and bring this bill back. I wish we could have a motion to recommend to bring it back.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 15 seconds just to point out that neither the Senate-passed stand-alone AMBER Alert bill nor its companions in the House establish a mandatory national AMBER system. All of the bills are voluntary. The States can apply for grants. It is my hope that they will do so.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I have been tracking the progress of this bill for some time now, and I applaud the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary. My district had a young girl missing for most of this month, a 14-year-old girl by the name of Lindsay Ryan. It was alleged that she was, in fact, abducted by a convicted murderer, and Michigan's AMBER Alert was initiated.

I called the county sheriff, Joe Underwood, a fine professional, as I tried to lend him my moral support. As I talked with him, I asked him the question of what could I do to help. He shared his frustration that other States did not have a system like we have in Michigan. He felt that, in fact, if other States, and there are 12 that have no AMBER Alert system at all, but if other States had a system like Michigan, the word would have gotten out right away. My district is right along the Indiana border, very close to Illinois.

After our conversation, I called the Committee on the Judiciary; and in fact, they told me about this piece of legislation which I cosponsor. I am delighted to say that it is on the House floor today, and there is good news.

Just like there was good news with Elizabeth Smart last week, there was good news this week with Lindsay Ryan. She was found alive, alive because California had a system. It was probably the good work of a Frito-Lay truck driver that, in fact, spotted the vehicle, and the police were able to get to the scene and rescue Lindsay Ryan, who is now with her family alive and hopefully well.

We want to prevent this tragedy for other families, whether they be in Michigan or North Carolina, Wisconsin or any other State. An AMBER Alert system nationwide is needed, for this family, for every family; and I would urge my colleagues to pass this legislation so that, in fact, we can use the eyes and ears of millions of Americans looking to prevent a nightmare that no family ever wants to have happen in their community or certainly in their family.

Mr. SCOTT of Virginia. Mr. Chairman, could the Chair advise us as to

the amount of time remaining on both sides?

The CHAIRMAN pro tempore (Mr. HOEKSTRA). The gentleman from Virginia (Mr. SCOTT) has 12½ minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 8¼ minutes remaining.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I thank the gentleman from Virginia for yielding time; and I hate to disappoint my good friend, the gentleman from Michigan (Mr. UPTON), to advise him that our fear is that by burdening this bill down with various provisions, other than the AMBER Alert provisions, it will follow the same route that it has followed in the past.

It will be passed here in the House, it will go to the Senate, and it will not receive action because the AMBER Alert part of this bill is burdened with other bills which we have passed many times on this side, but have never been taken up, and the Senate has refused to take them up on the other side. So while I applaud his efforts to support the AMBER Alert part of this bill, doing it in the way that we are doing it is probably the kiss of death for the bill.

Before I go on that, I want to take a moment to praise the efforts of my good friend and colleague from Virginia who for the last 11 years has been the voice of sanity in the criminal law area. He has sat in hearing after hearing after hearing and taken politically difficult positions on bills, trying to reinforce to us that everything that sounds good, that may be politically popular, is not an effective crime tool; and he has done it at a time, on a sustained basis, when many of my colleagues have used as their spring, summer, fall and winter exercises the politically popular exercise of beating on their chest and saying I am hard on crime, without considering the consequences of what they are voting for.

Again, parts of this bill today do exactly the same. I am struck by the argument that the chairman of our committee has put forward to us. On the one hand, he says the AMBER Alert part of this bill really does nothing that is not already able to be done, and then I scratch my head and I said, well, if that is the case, why are we even here doing the AMBER Alert part of this? Is the AMBER Alert part of this bill, which all of us feel so strongly about, which all of us would vote for in a heartbeat if it were a stand-alone bill, is it being used as a bus to load on all of these other controversial provisions that otherwise would not be considered?

If these other provisions have merit, let them be considered as separate stand-alone bills, let us evaluate them, let us evaluate their impact on reducing crime and addressing the problems that exist in our Nation, and let the

Senate and the House vote on those things separately.

What we appeal to the leadership to do and have been for the last 3, 4, 5 weeks is to give us an AMBER Alert bill that is a stand-alone bill, that could pass this House by unanimous consent. There would not be one dissenting vote. And not only would it pass this House by unanimous consent; it would go to the Senate, and the Senate would pass it immediately, probably this week; and it would go to the President's desk and be signed into law probably early next week.

Instead, what we have done is used the AMBER Alert part of the bill as a vehicle to bring other more controversial provisions into a debate; many of those provisions have already been passed by this House and sent to the Senate and have languished there in the past. We have done this before.

The question is why are we doing it again? Is there some real motivation that is different than the one we understand or is there a real desire to pass the AMBER Alert part of the bill? If there is, I would appeal to my colleagues to let that bill, release it, do not hold it as a hostage. Release that bill, and let it stand on its own. Let us vote on it. Let us send it to the Senate; let them vote on it. Let it be sent to the President for signature, and then we would have a national AMBER Alert bill that does and gives us the benefit of that system for the States that wish to use it.

I appreciate the gentleman yielding time; but more importantly, I appreciate him standing and fighting for things that make sense in the criminal justice context, rather than just things that are politically popular, that allow us to beat on our chest and say we are hard on crime regardless of the impact on reducing crime.

Mr. GINGREY. Mr. Chairman, I yield myself 2 minutes.

(Mr. GINGREY asked and was given permission to revise and extend his remarks.)

Mr. GINGREY. Mr. Chairman, I rise in support of H.R. 1104, the Child Abduction Prevention Act, which provides for the national coordination of the AMBER Alert communications network and strengthens criminal penalties for kidnappers, child molesters, and the sexual exploitation of children.

This legislation also provides double, double the current authorization funding for the National Center for Missing and Exploited Children, which serves as the Nation's resource center to aid in finding and rescuing missing and exploited children and helping their families in their time of need.

In section 305 of H.R. 1104, the Committee on Education and the Workforce, of which I am a member, authorizes \$20 million for the National Center for Missing and Exploited Children for fiscal years 2004 and 2005. Again, this is double the current level of funding.

As the Nation's resource center for missing and exploited children, the

center carries out many important responsibilities that provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children. The center is active both nationally and internationally.

Mr. Chairman, it is important to note the center does not investigate abducted, runaway or cases involving sexually exploited youth, but receives leads and relays them to various investigative law enforcement units.

In an effort to assist law enforcement, the center offers both technical assistance, information dissemination, and advice. It also offers a free consulting service to agencies by expert retired law enforcement officers who are skilled in investigating cases involving sexual abuse of children and child abduction.

□ 1100

Mr. Chairman, I could continue on about the need for the Center for Missing and Exploited Children, but in the interest of progressing this debate, I would like to urge my colleagues to support this bill.

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

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Illinois (Mr. DAVIS) for purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would like to be associated with the comments that were just made by the gentleman from Georgia (Mr. GINGREY). I rise in strong support of the AMBER Alert provisions of this bill to prevent child abduction and to then do all we can in finding the child. A nationwide AMBER Alert would allow all of America to have the information to assist the family, the community, and the local police in finding a missing child. If already in place, the two Bradley sisters from Chicago would have been located.

Like most stories of missing children, 10-year-old Tionda and 3-year-old Diamond disappeared without a trace, without anyone seeing where they went or who they went with. On Friday, July 6, 2001, Tionda had left a note telling their mother that she and her sister were going to go to the store and then go to the school playground. Several neighborhood children have told police that they did see the sisters playing outside their complex around noon that day. Sadly, no one has seen them since.

The neighborhood surrounding their home and even Lake Michigan has been searched with only disappointing news. No clues, no evidence has been found to place either child. It has been 659 days since this mother has seen her two daughters. I urge America to go to the

Bradley's Web site and see if you have seen either one of them.

Mr. Chairman, all of America would be benefited by the AMBER Alert system put in place now.

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

Mr. GINGREY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Subcommittee on Select Education.

Mr. HOEKSTRA. Mr. Chairman, I rise in support of H.R. 1104, the Child Abduction Prevention Act, which strengthens the punishment and consequences of criminals who dare to harm our children. An important provision of H.R. 1104 doubles the authorization level for the National Center for Missing and Exploited Children, which serves as the national resource center and clearinghouse to aid missing and exploited children and their families.

The Center is a private, nonprofit organization, mandated by Congress, working in cooperation with the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice. It is a critical resource for aiding the over 18,000 law enforcement agencies throughout the Nation in their search for missing children.

According to statistical data from the National Center for Missing and Exploited Children, from its inception in 1984 through the end of 2002, the Center handled 1,718,784 telephone calls through its national Hotline 1-800-THE-LOST. It trained 179,685 police and other professionals and distributed over 27 million issue-based publications. The Center has also worked with law enforcement on 87,513 missing child cases, resulting in the recovery of over 71,000 children, an incredible success rate of more than 80 percent.

The National Center for Missing and Exploited Children is uniquely positioned to access vital information to aid in the search and recovery of missing kids. It is the only child protection nonprofit organization with access to the FBI's National Crime Information Center Missing Person, Wanted Person and Unidentified Person Files, the National Law Enforcement Telecommunications System, and the Federal Parent Locator Services. Additionally, it is the only organization operating a 24-hour, toll-free Hotline for the recovery of missing children in cooperation with the U.S. Justice Department. It is also the sole organization operating a 24-hour, toll-free child pornography tip line in cooperation with the U.S. Customs Service and the U.S. Postal Inspection Service.

Please join me in voting for and supporting H.R. 1104.

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to H.R. 1104. While I am happy to have this time to speak on the floor, I am very disappointed that the Committee on Education and the Workforce did not debate this issue before it came to the

floor. Members on the Committee on Education and the Workforce wanted to review the provisions in the bill that are under our committee's jurisdiction.

It is clear that the AMBER Alert system is highly effective and should be made available nationwide. However, I believe we need a clean AMBER Alert bill; and, once again, my colleagues on the other side of the aisle have failed to bring forth a clean bill. Instead, they have opted to load it up with extra provisions that they know will not be accepted by the other body.

This important legislation could have been passed 6 months ago, but instead today we are considering legislation that is broad and controversial. The controversial provisions include the expansion of the death penalty, mandatory minimum sentencing, criminalization of traveling with a criminal intent, the two-strikes-and-you-are-out provision, the expansion of wiretap authority, the eliminations of the statute of limitations on sexual abuse cases, and eliminating pretrial release.

Mr. Chairman, are all these provisions really necessary to help find and protect missing children?

That is why I have supported and will continue to support the bipartisan Frost-Dunn AMBER Alert Act which will strengthen the AMBER Alert program immediately. The Frost-Dunn bill provides \$25 million in grants and works to build a seamless network of local AMBER plans. What our local communities really need is more resources to increase highway signs, to educate and train law enforcement, and to gain additional equipment. This bill is the clean legislation that we should be considering today.

Mr. Chairman, I urge Members to vote "no" on H.R. 1104, and I demand that we look at a clean AMBER Alert bill.

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

Mr. CHAIRMAN. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 8¼ minutes remaining, the gentleman from Illinois (Mr. DAVIS) has 6 minutes remaining, the gentleman from Georgia (Mr. GINGREY) has 3½ minutes remaining, and the gentlewoman from California (Ms. WOOLSEY) has 5½ minutes remaining.

Mr. GINGREY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROYCE), who is a cosponsor of this very important piece of legislation.

Mr. ROYCE. Mr. Chairman, I rise in strong support of this legislation, which, of course, includes the AMBER Alert bill.

Last September, President George Bush took immediate action to help expand and improve the AMBER Alert system; and he provided a total of \$10 million from existing funds in order to expand and develop the AMBER training and education programs and in order to upgrade the emergency alert system. I support President Bush's efforts, and I urge Congress to pass this

important bill so that we can continue our efforts to ensure that an AMBER Alert system will be there for all of our Nation's children.

As we witnessed, AMBER plans have worked to bring home children safely; and I wanted to share one particular story about a 10-year-old girl from Riverside, California, named Nicole Timmons. We have the system in California, but, luckily, neighboring Nevada also picked up this alert; and on the Nevada radio stations they reported that Nicole had just been kidnapped by an individual and gave a certain amount of information. Luckily, a very alert citizen in Nevada was listening to this broadcast as he was driving next to the vehicle that Nicole was being transported in, being abducted in. He noticed that the driver was behaving rather suspiciously, and he noticed this 10-year-old girl. As a consequence, he immediately notified law enforcement. They moved in, and they rescued Nicole.

What is important here is in 75 percent of the cases where a young child is killed by an abductor, that murder occurs within the first 3 hours. That is why it is necessary that these alerts go up immediately to give other citizens a chance to help apprehend, to help report suspicious behavior, to help look for that abductor.

Of course, we have to ask ourselves, what if Nevada had not picked up the California alert? That is why we want to expand it across the Nation.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, it is unfortunate that we will delay the opportunity to find Tionda and to find Diamond. We will delay the opportunity because, instead of having a simple, clean AMBER Alert bill that could be passed immediately in both Houses, we have a complex, complicated, bogged-down bill with all kinds of impediments and extraneous items in it that makes it very difficult for individuals to support if they also want to support a judicial system that deals in a rational, logical, sane, sensible, less-than-punitive way.

I do not know if it is going to be possible to change that, but I would certainly hope there would be some way to extricate, to take out those onerous portions of the bill so that we can move ahead and find missing children, find children who are away from their parents, find children that we do not know where they are. So I would hope when the end comes, we will come to an alert system that puts us on the track to find missing children.

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

Mr. GINGREY. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BURNS) a member of the Committee on Education and the Workforce.

Mr. BURNS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to express my support for H.R. 1104, the Child Abuse

Prevention Act. This legislation is critical for the protection of the greatest resource in America, our children. The bill increases the authorization funding for the National Center for Missing and Exploited Children. It serves as a resource Center and a national clearinghouse to aid missing and exploited children and their families.

The National Center for Missing and Exploited Children operates a 24-hour Hotline to report information on missing children; and, through that Center, the information is sent out to law enforcement agencies both here and abroad. The Center verifies information on missing children entered in the FBI's National Crime Information System and instructs law enforcement in the proper handling of these cases.

The act also provides national coordination of the AMBER Alert system, which has already proven successful in multiple States by allowing law enforcement to put out an immediate bulletin when a child has been reported missing.

Finally, and most importantly, this bill dramatically increases the penalties for people who would harm children or use them in pornography. These penalties should be the most severe that society can deliver for such disgusting crimes against our children.

Ms. WOOLSEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, as the chairman and founder of the Congressional Caucus on Missing and Exploited Children, I am proud to be part of this overall issue of child abduction. Missing and exploited children is an issue that I became critically aware of within a few months after coming to Congress when, in 1997, Laura Kate Smither was abducted from her neighborhood, and 2½ weeks later her body was found in a drainage ditch.

Following that, I came back here and met with my staff, and one of my staff had been a volunteer with an organization called the National Center for Missing and Exploited Children during high school.

□ 1115

I quickly went over to the center and met Ernie Allen and have become a good friend of Mr. Allen, who is the president and CEO of that wonderful organization. I think I have found more in that organization than what I ever dreamed of being able to find. It does some amazing work. They have helped raise the overall level of awareness, which is the goal of the congressional caucus since we have formed it in 1997, now with about 150 members.

I am proud of the fact that there are bills, many different bills, plural, that are up on the floor and that are being discussed. Obviously, I too wish that we could take some of them separately. I think the AMBER Alert would instantly become law. We have had that debate; and now we are debating H.R. 1104, of which I am a cosponsor. And I

do ask and urge the passage of H.R. 1104.

The national center does so much varied work in providing their hotline, in providing assistance to communities, to families, to law enforcement, the magnificent work that it has done through its image enhancement activities that have helped find children years later after they were taken. There are a significant number of extremely dedicated, powerful people that they have put together and formed efforts to get information into our schools with curricula that will change the lives of children, with the law enforcement training through the Jimmy Ryce Law Enforcement Center, which offers free training activity to any chief executive of any law enforcement agency in the United States, a powerful organization. The \$20 million that we are asking for in fiscal years 2004 and 2005 will be some of the best money that this Congress can possibly spend. I urge the passage of H.R. 1104.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Chairman, I rise in support of the Child Abduction Protection Act and thank my California colleague for yielding me this time. I am a proud supporter of the AMBER program, which was created in Arlington, Texas. Everyone knows the history of the AMBER program, named for Amber Hagerman; but I am particularly proud that about 3 years ago our office in Houston started working on getting our radio network and the law enforcement in Houston, Texas, together.

I have a former staff member who now works for our leader, NANCY PELOSI, Cindy Jimenez, who was instrumental in this. And now in Houston not only this week was the AMBER Alert activated in Houston and a 14-year-old girl returned safely yesterday, but we have used it well over a half a dozen times in my community. My community, I say. We share eight Members of Congress, so it is a large community.

The sooner the word gets out that children are abducted, the better the chances of them being brought home. Particularly in my area we made sure we did it in both Spanish and English. We have had some tragedies in my area that are predominantly Hispanic, so it has to be in both languages, or any language that is available in the community.

H.R. 1104 makes grants to States. Again, we need it for the State of Texas as a whole. I express my disappointment that it has been bogged down, but I intend to support the full bill.

Mr. Chairman, I rise today to voice my support for the Child Abduction Protection Act, which includes language to improve the Amber program.

I am proud supporter of the AMBER program, which was created in Arlington, Texas. The AMBER Plan is named in memory of nine-year-old Amber Hagerman. In 1996, Amber was abducted while playing near her Arlington, Texas home. She was later found murdered.

In response to community concern, the Association of Radio Managers, with the assistance of area law enforcement, created the AMBER Plan to give listeners timely information about area child abductions. The plan calls for law enforcement agencies to provide radio stations with an alert upon the immediate confirmation of a child's abduction. All participating radio stations will break programming to broadcast the alert and any subsequent information provided by police. This program has blossomed into a nationwide effort where 39 states have adopted a statewide AMBER plan. To day the AMBER Plan has been credited with recovering 51 children!

Just this week, the police in my hometown of Houston, Texas, activated the AMBER system when a 14-year-old girl went missing from her middle school. Fortunately, the young lady was returned safely to her home.

The AMBER alert has been successful in Houston, Texas many times and I am proud our office played a part in organizing the Houston effort almost 3 years ago. Ms. Cindy Jimenez, my former staff member now with Democratic leader NANCY PELOSI, worked successfully to coordinate the cooperation between news media and law enforcement.

This kind of success story highlights the needs to ensure that states have the resources they need to set up AMBER plans. Seventy-four percent of abducted children who are murdered are dead within three hours of the abduction. The sooner word gets out that these children have been abducted, the better the chances that they will be brought home safely.

H.R. 1104 makes grants available to the states for them to set up AMBER alert plans, and also creates an Amber alert coordinator within the Department of Justice. I strongly support this provision.

I would like to express my disappointment, however, that this legislation has been weighted down with controversial issues. Issues such as mandatory minimum sentencing and making certain crimes punishable by the death penalty are matters for another day.

These issues are sure to slow down this important legislation. I urge the sponsors of this legislation to remove the controversial provisions so that the AMBER plan legislation can be enacted quickly.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Illinois (Mr. DAVIS) is recognized for 4½ minutes.

Mr. DAVIS of Illinois. Mr. Chairman, as I listened to the debate and as I listened to the virtues of the proposed legislation and as I listened to those who expressed opposition, it would seem to me that there ought to be a middle ground, that there ought to be a point where the children come first, where finding them, making sure that their parents can wake up and see their children that they have not seen. That often requires a bit of give and take.

I think that there could be other opportunities to debate and discuss

criminal justice punishment, to discuss what it is that you do as individuals have committed a crime. It would serve us well if we could arrive at the point where today we are simply talking about finding missing children, not punishing perpetrators, not putting people in jail, but finding missing children.

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

Ms. WOOLSEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentlewoman from California (Ms. WOOLSEY) is recognized for 2 minutes.

Ms. WOOLSEY. Mr. Chairman, citizens in my district have a special desire to see clean AMBER Alert legislation passed because of a beautiful teen-aged girl named Polly Klaas. Polly resided in my hometown of Petaluma, California. She was kidnapped from her home and murdered in 1993. It was because of failed communication in the early part of the search that ruined our chances, or any chances, of an early and potentially successful resolution to her kidnapping.

Since then, organizations in my district, namely, the Polly Klaas Foundation and BeyondMissing, have worked to ensure that more is done for missing children. These organizations both advocate a national AMBER Alert system that will define how seriously Americans support child safety and saving lives. But they want a clean AMBER Alert system. That is why it is crucial that we pass a clean bill today, not one that will be filled with extra add-ons, unrelated provisions, provisions not acceptable to the other body, hindering the ultimate goal of creating a system where we can find the children who are lost in this country.

So I ask, please vote for a clean AMBER Alert system, one that will be able to do the job, do it immediately, and not get bogged down in the Senate.

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

Mr. GINGREY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as the Nation's resource center for child protection, the National Center for Missing and Exploited Children spends 94 percent of its revenue directly on programs and services. Due to their commitment to spend their resources on helping children, the center received an A+ rating in the Winter 2003 American Institute of Philanthropy Charity Rating Guide. This rating is used to recommend charities based on percentage of money spent on charitable purposes versus administrative expenses.

There were an estimated total of 58,200 children abducted by nonfamily members in 1999. Mr. Chairman, that is 160 abductions a day. To reduce this number, we must pass H.R. 1104. I would again urge my colleagues to support this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time.

I have to admit some disappointment in the debate that we are having today. There are those who want to focus on process and the structure of legislation, and there are those who want to get at the serious problem of child molesters and abductors and removing them from the streets. Mr. Chairman, we have been fighting this battle against child abduction and molesting for a long time. We have been fighting it a long time because it is a battle that we dare not lose.

I do not have much time to speak, but let me give Members three quick facts that I think point out the scope of this problem. Mr. Chairman, the average child molester in America will commit crimes for 16 years before he is caught. So when we see on television or when we read in the newspaper about someone who is caught, a child molester who is caught, an abductor who is caught, remember that the chances are that they have been doing this for years before they were caught.

Fact number two. According to former Attorney General Janet Reno, the recidivism rate for child molesters is 75 percent. That is on the low side of the estimates that I have seen. When we find someone, when we catch someone who has molested our young children, the chances are that they have done it before and the chances are that they will do it again unless we stop them.

My final fact is one that I find devastating. According to a number of surveys, the average child molester will commit 511 crimes in his lifetime. The number of repeat child molesters fortunately is relatively small, but the damage and the destruction that they do in America today is incredible. It is outrageous. Every child molester that we put away is a life saved, is a family rescued.

Mr. Chairman, today is a good day. I want to thank the chairman for leading us to this point. Today we fight back against child molestation. Today we fight back against those monsters who would prey upon our kids.

I would like to speak quickly to one provision in here because it is one of these provisions that is, quote-unquote, "bogging down this bill." It is called two strikes. It says that if you have been arrested and convicted of a serious sex crime against our kids and after you are released you do it yet again, you are going to go to prison for the rest of your life, no questions, no parole. We will stop this terrible, terrible scourge. This is not a controversial provision. It had 382 votes last session.

The speaker before me referred to BeyondMissing, an organization I helped launch. I have a letter here that I will place into the RECORD from BeyondMissing asking us to pass this bill with two strikes in it. They want the bill as has been presented. AMBER

Alert after we pass this bill will become the law of the land very quickly, but we must not back down. For the sake of the crimes that we can prevent, for the sake of the innocents we can protect, let us pass this bill as it is constituted, let us get it over to the President's desk, and let us make this the law of the land.

BEYOND MISSING, INC.,

Sausalito, CA, March 26, 2003.

Re HR 1104 Child Abduction Prevention Act.

MEMBERS OF THE HOUSE OF REPRESENTATIVES,

107th Congress (2001-2002), Washington, DC.

DEAR MEMBER OF CONGRESS: As the father of a child kidnapped and murdered by a recidivist violent offender I understand the need to do what ever is necessary to protect America's children from abuse, abduction and neglect. That is why I implore you to vote aye on HR 1104 the "Child Abduction Prevention Act".

Although there is a groundswell of support for a National Amber Alert, this important tool to assist in the recovery of kidnapped children is but one piece in a very complex puzzle that must be assembled if we are to truly protect America's children from victimization.

Strict, mandated prison sentences for those who would kidnap children; denial of pretrial release for child rapists or kidnappers; a "Two Strike" law for sexual predators and COPS funding for a sex offender apprehension program are equally important pieces of the same child protection puzzle.

HR 1104 can deliver the message that America will no longer tolerate those who would terrorize innocent citizens through the exploitation and victimization of our children. Although America's focus is currently on foreign terrorists, it is the domestic variety that truly threatens our safety. We should never forget that homeland security begins at home.

I join Chairman Sensenbrenner and Representative Mark Green in asking you to vote aye on HR 1104 the "Child Abduction Prevention Act". With the unprecedented attention that has been afforded child abduction in the past year you are in a position to memorialize America's recent child victims in accomplishment. If you fail to do so, they will be remembered only as statistics and surely they deserve better than that. Please take advantage of this opportunity to send a loud and clear message that we will no longer tolerate the abduction and abuse of America's children.

Sincerely,

MARC KLAAS,

President, Beyond Missing, Inc.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

(Mr. CANNON asked and was given permission to revise and extend his remarks.)

Mr. CANNON. I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, I rise in support of H.R. 1104, the Child Abduction Prevention Act. I would like to commend Chairman SENSENBRENNER for crafting such thoughtful and meaningful legislation to help protect our children from the sick people who would do them harm. It is essential that we enact legislation to help prevent kidnapping and recover abducted children. Over 70 percent of abducted children

who are murdered are killed within the first 3 hours after they are taken, and almost two-thirds of the killers have had prior records of violent crimes. This legislation goes a long way toward providing protections by establishing the means to help prevent abductions and to aid in the quick return of children who have been kidnapped.

With this bill, we enhance the operation of the AMBER Alert communications network to facilitate the recovery of abducted children. As it now stands, AMBER Alert is in place in 38 States. I hope that every State will implement this program. We are all aware of the important role that the National Center for Missing and Exploited Children has played in the search for abducted children for nearly 20 years. This bill helps ensure it will continue to play a crucial role by reauthorizing and doubling its annual grant to \$20 million each year.

Another important provision of this legislation will help prevent repeat offenses by child abductors. In addition to mandating a minimum 20-year sentence for kidnapping or abducting a person under the age of 18 years, it contains a "two strikes and you're out" provision that requires a mandatory sentence of life imprisonment for twice-convicted child offenders.

I would like to say once again how blessed we are for the return of Elizabeth Smart in my home State of Utah. Many prayers were answered, including those of my 5-year-old daughter. It is a miracle. We are all thrilled and grateful with this wonderful news. Yesterday, I had the pleasure of speaking with Elizabeth's father, Ed Smart, about the importance of this legislation. He is supportive and appreciative of the work Chairman SENSENBRENNER and the House have done to protect our children. Ed hopes, as I do, that today's child protection legislation will be sent to the President's desk and signed into law as soon as possible.

Mr. Chairman, I support all of the provisions of this bill. I urge my colleagues to join with us in voting for it.

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

The CHAIRMAN. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 3¼ minutes.

Mr. SENSENBRENNER. Mr. Chairman, on the other side of the aisle some Members have come up and stated that we ought to bust this bill apart and strip out all of the non-AMBER Alert-related issues. That would be a big mistake. It would be a huge mistake because most of these provisions are designed to prevent kidnappings and molestations from happening in the first place.

I support AMBER Alert. It is important once a kidnapping takes place that the police and the public and the news media know about that kidnapping so that an alert public can hopefully spot the abducted child and return the child to his or her parents.

□ 1130

But even more important in my opinion is to prevent the kidnappings and the molestations in the first place because if that ever happens, those people's lives are scorched for life.

In H.R. 1104 there are a number of provisions. I do not think they are controversial, but let me enumerate them. It provides the judge with the discretion to extend the supervision of a released child sex offender up to a maximum of life, eliminates the statute of limitations for child abductions and sex crimes, denies pretrial release for child rapists and child abductors, requires a mandatory sentence of life imprisonment for twice-convicted child sex offenders, reauthorizes and doubles the annual grant to the National Center for Missing and Exploited Children to \$20 million a year through fiscal 2005, mandates a minimum 20-year prison sentence for the kidnapping of a person under the age of 18 by a non-family member, authorizes COPS funding for a sex offender apprehension program, adds four new wiretap predicates that relate to sexual exploitation crimes against children.

We give these predicates so that the police will have the same authority to seek court wiretap authority when someone is using the Internet to try to entice children that the police presently have in cases of organized crime, international terrorism, or drug trafficking.

The bill facilitates the prevention of international parental kidnapping by adding an attempt to liability to the statute defining that offense, and it punishes persons who travel to foreign countries to engage in illegal sexual relations with minors and criminalizes the actions of sex tourism operators.

These are provisions that the opponents of this bill want to strip out. They are important provisions. They ought to be the law of the land, and we ought to pass H.R. 1104 intact today to make them the law of the land.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in reluctant support of H.R. 1104, the Child Abduction Prevention Act. While there are some provisions in this bill which I oppose, I feel it is crucial that the House pass legislation as soon as possible that would help foster the establishment of a coordinated, national AMBER Alert system.

I believe that the government must do all it can to facilitate the expansion of the AMBER Alert program which has been credited with recovering at least 27 children. I am proud to say that Illinois has a statewide AMBER Alert program. However, I am disappointed that the House leadership did not give us the opportunity to vote on a stand-alone AMBER Alert bill, H.R. 412, of which I am a cosponsor, and instead forced us to vote on a bill that includes controversial provisions.

Specifically, this bill expands cases in which the death penalty can be imposed. I strongly oppose capital punishment, and therefore oppose this provision. In addition, this bill includes an amendment which I voted against which turns the Sentencing guidelines into little more than mandatory minimum sentencing

laws by revising the standards and procedures under which a judge can depart from sentencing guidelines in order to account for specific circumstances. I oppose this provision because I strongly oppose mandatory minimum sentencing laws. This provision not only overturns an important Supreme Court decision which left some room for judicial discretion in sentencing, but, like other mandatory minimum sentencing laws, it takes away a judge's ability to be fair and exacts a one-size-fits-all standard on our judicial system.

It is my hope that this bill will move to Conference with the Senate and that the majority of these controversial provisions will be stripped out in order to pass a clean AMBER Alert bill. We should not be tainting a bill that is intended to help recover missing children with provisions that threaten the fairness and justice of our judicial system. I urge my colleagues to put aside their own agendas to ensure that all states have the ability to start their own AMBER Alert programs and work together so that families of abducted children will have some hope of the real possibility that their child could soon be returned to them.

Mr. HOLT. Mr. Chairman, I rise today to express my serious reservations with the Child Abduction Prevention Act. Although these reservations were not sufficient enough to compel me to vote against it, I want to make it clear that I am not pleased with the tactics employed by the House leadership that brought this bill to the Floor.

By introducing the Child Abduction Prevention Act today and passing a rule to prevent the clean Frost-Dunn AMBER Alert Network Act from coming to a vote, this House Leadership has imperiled chances for the AMBER Alert to become law in the near-term. In fact, AMBER Alert could have become law this week if the leadership so willed it. The House Leadership, however, has chosen repeatedly to undermine all heartfelt attempts by me and many of my colleagues to make the AMBER Alert national law right now. Today's vote is only another indication of the Leadership's willful intransigence. This bill was supposed to be about protecting our nation's children. It was supposed to be about supporting a National AMBER Alert Network. Sadly, this bill was really about politics.

I ran for Congress more than four years ago because I wanted to restore the trust of the American people in our system of self-government. I wanted to break through the cynicism that had poisoned the people's faith in our democracy and in our elected representatives. The cynical tactics employed by the House Leadership today on the AMBER Alert are exactly what I came here to Congress to fight.

Last October, this same House Leadership had the opportunity to make the AMBER Alert national law. The Senate had passed an AMBER Alert bill. The House had an opportunity to pass it quickly into law, but the Leadership decided to play politics with the bill and added a list of other provisions. At the time I took a stand against the Leadership and opposed their political games, and I took on the nay-sayers back home who said I should have backed down. The facts are the same today as they were then: these tactics are designed to prevent AMBER Alert from becoming law. As a result, six months have passed and we still don't have AMBER Alert.

I wanted to bring a clean AMBER Alert bill to the House floor identical to the one passed

twice now by the Senate. I am an original co-sponsor of the Frost-Dunn National AMBER Alert bill and I have tried to convince the Leadership to bring it to the Floor for a vote.

I voted for this version of the Child Abduction Act today because I support AMBER Alert, but it was not an easy vote. I voted for this bill despite the fact that I know there is a better way to turn AMBER Alert into national Law. I voted for this bill, despite the fact that I have serious reservations about provisions that would impose the death penalty for certain crimes where it does not now apply, increase mandatory sentences for certain offenses, and expand the wiretapping authority of the federal government.

In the end, however, I voted for this bill because I am now convinced after months of struggle that neither the principle of my protest nor the strength of my argument will change the collectively obstinate mind of the House Leadership. If even the personal pleas of Elizabeth Smart and her family cannot influence the House Leadership to bring a clean AMBER Alert bill to a vote, then I must conclude that neither can mine. I am now convinced that the only way AMBER will become law is by the overwhelming force of conscience—from the public, from Congress, and from me personally—to communicate in no uncertain terms that AMBER Alert will not be stopped by cynical political games. The only true loser today are America's children who will now have to wait even longer for Congress and the President to strengthen our national AMBER Alert system.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of H.R. 1104, the Child Abduction Prevention Act. Last Congress the House of Representatives passed parts of this bill, unfortunately these reforms were never taken up by the other body.

Mr. Chairman, the longer I work with this issue of the vulnerability of children to sexual molestation and exploitation, the starker the picture becomes. According to the United States Department of Justice, the number of missing persons reported to law enforcement increased 468 percent in the past 20 years. And every year 3,000 to 5,000 children are kidnapped by sexual predators.

Mr. Chairman, right now while we debate this bill sexual predators are trolling the internet looking for potential victims. They manipulate children, convince them they are a friend, and force the child to not trust anyone else. These predators are serial offenders who often travel to conduct multiple sexual offenses against multiple children.

We need to stop these sexual predators before they can lay a hand on a child, because once a child comes into contact with a predator it is often too late. 3 out of 4 children who are kidnapped and murdered are killed within three hours of their abduction.

Mr. Chairman, the average victim is an 11-year-old-girl with a stable family relationship who has initial contact with the abductor within a quarter mile of her home. Our law enforcement officers are fighting a difficult battle, and this legislation acknowledges that technological advances have fundamentally changed the method through which a sex predator lures a child into an exploitive relationship.

When Detective James Wardwell, from my hometown of New Britain, Connecticut, testified before the Crime Subcommittee on this very issue he told us that as a matter of

course, sex predators want to know who they are communicating with. Invariable, sex predators move their conversations off-line and onto the telephone, especially when they are preparing to meet the child. The authorities need the ability to track these conversations, if we are to effectively protect our children.

In addition to fighting the sexual exploitation of children in the United States, this bill also helps the FBI and the Customs service fight the growing sex tourism industry. More and more Americans are traveling overseas to nations that have limited child prostitution laws or enforcement. Travel agencies have sprung up that cater to these pedophiles, and so called "situation abusers." Just because their intended victims are not American citizens does not absolve us of the need to capture dangerous criminals. These people do not only act on their predatory impulses overseas. They return to the United States emboldened by their experiences. They are often people who commit multiple offenses, with multiple victims. Capturing these dangerous criminals at the earliest opportunity can prevent the needless destruction of the life of any number of children. This bill focuses on the reprehensible agencies which facilitate this travel and makes it easier for law enforcement to track them and their rogue clientele.

We must modernize our laws because sex predators no longer lurk at the school yard. Today they lurk in Internet chatrooms. Today our children are under attack on the Internet, and under siege in chat rooms. Sex predators seek out children on-line, manipulate, meet, molest and murder them. We must act to give our law enforcement agencies all the tools necessary to stop sexual predators before they can strike.

Wiretapping is an effective tool that will prove especially useful in dealing with sex predators and persons involved in the sex tourism industry. Law enforcement officers will still have to present their case to a judge to authorize the use of the wiretap. Wiretapping provides the best physical evidence to secure a conviction and get pedophiles off the street, especially when the child victims are unable to cooperate with authorities. Also, it is worth noting that wiretap transcripts can be used in lieu of a child's testimony when prosecuting these sexual predators.

I urge my colleagues to support the Child Abduction Prevention Act.

Mr. REYES. Mr. Chairman, I rise today in support of H.R. 1104, the Child Abduction Prevention Act. This bill is important to ensure that there are enough resources dedicated to the recovery of missing and abducted children.

I am proud to have associated myself as an original cosponsor of H.R. 412, the AMBER Alert Network Act, a bill introduced by my colleague from Texas, Mr. FROST, and my colleague from Washington, Ms. DUNN.

This AMBER bill strengthens missing child alerts by providing state and local plans with grants to fund communications improvements like highway signs so an abductor can't escape simply by traveling outside the reach of radio and TV broadcasts. It also formally establishes a national AMBER coordinator office at the Justice Department to establish voluntary standards, provide training and help states coordinate their AMBER plans.

I am deeply disappointed that the Republican Leadership has failed to see the importance of the expeditious review of this bill. By

bringing to the floor the Senate-passed bill identical to the Frost/Dunn AMBER Bill, resources could have been made available to our state and local governments more quickly. Instead the decision of the Republican Leadership will only serve to further delay these valuable resources for months.

Mr. Chairman, our children deserve better. It was my hope, that given the recent high-profile abductions, the Leadership of this House would put partisanship aside and focus on the lives of our children before anything else.

Regardless of this, I support this bill brought before us today. Although I am disappointed with the way this issue has come to surface, my support for the legislation remains the same.

Mr. Chairman, I wish to take a moment to commend Mr. FROST and Ms. DUNN for their continued pursuit to help our children and families.

I respectfully urge my colleagues to vote in favor of this bill, and to continue to work on behalf of our nation's children.

Mr. STARK. Mr. Chairman, I rise today in opposition to H.R. 1104, the Child Abduction Prevention Act. I am greatly troubled by this vote.

I support the AMBER Alert program as a vital means to prevent child abduction and track down those who prey upon our children. I am a cosponsor of the bipartisan Frost-Dunn AMBER Alert Network Act that would help all states implement this vital program. It would ensure that a strong nation-wide network exists to protect our children from these horrific crimes.

Yet, Republicans have never allowed a clean vote on this legislation. They have decided once again to include this legislation within a larger criminal justice bill that includes new, draconian sentencing guidelines and abuses to our basic Constitutional rights. I cannot in good conscience support these provisions. They will ultimately doom this bill when it comes before the Senate, just like last year.

Just as with the child abduction bill brought to the House floor last October, I object to allowing the government to abuse fundamental privacy rights as this bill does. The Republicans continue to push provisions giving the FBI unprecedented wiretap authority to engage in secret surveillance of our homes. This is unconstitutional and I will support it.

Chairman SENSENBRENNER and the Republican Leadership again insisted on including a "2 strikes and you're out" sentencing provision. This type of mandatory minimum sentence is not only draconian, it is ineffective in deterring these types of crimes.

This bill again will expand the number of crimes punishable under the death penalty. This is done despite evidence that many Americans have been wrongly sentenced to death. This is wrong and I will not support it.

I urge my colleagues to join me in voting again against this legislation. Lets send a message to the House Republicans to stop putting their blind allegiance to right wing politics ahead of the safety of our kids. Let's get the national AMBER Alert network off the ground once and for all—for the sake of all America's families and their children.

Mr. DELAY. Mr. Chairman, today the House will consider the "Child Abduction Prevention Act" sponsored by Chairman SENSENBRENNER.

This bill, H.R. 1104, is drafted to do two important things: increase the communication

systems to locate a missing child and put in place stronger penalties to prevent child abductions and sexual exploitation. Both things are needed to make our children safer.

Support of the AMBER Alert communications plans is a key component of this legislation. AMBER Alert is used by state and local enforcement agencies to search for abducted children. Currently there are 87 AMBER plans across the country with 38 of them statewide. Forty seven children have been recovered as a direct result of AMBER.

AMBER Alert systems must be coordinated and funded to increase communication when a child is a abducted or reported missing. This bill increases AMBER funding and puts in law the national coordinator already in place at the Department of Justice.

But increasing communication alone will not deter child abductors or child predators from abusing children. It will take the strong penalties contained in this legislation to prevent child abductions and child exploitation.

This legislation puts in place the necessary enforcement tools to assure that child abductors and child predators will not escape justice.

This bill offers a comprehensive package of child abduction prevention tools that make severe child abuse and torture a capital crime; provide stronger penalties against kidnapping and sexual trafficking; keep child kidnappers behind bars until trial; and put a "two strikes you're out" law in place.

After all, how many children's lives do you have to ruin before you should be locked up for life?

Additionally, this legislation keeps all the safeguards in place for wiretapping, but creates 4 new circumstances to allow better monitoring of criminals' abuse of children's chat rooms.

We used to be able to keep an eye on our children at the playground in order to keep them safe. Chat rooms pose a dangerous new challenge that we must confront.

I believe that H.R. 1104 shows the American people that communication and prevention are necessary to protect our children and keep them safe.

Mr. BOEHNER. Mr. Chairman, I speak in support of H.R. 1104, the Child Abduction Prevention Act, which strengthens the punishment and consequences of those criminals who would dare to harm our children, as well as provides for the national coordination of the AMBER Alert communications network. This legislation also increases the authorization for the National Center for Missing and Exploited Children (NCMEC), which serves as the national resource center and clearinghouse to aid missing and exploited children and their families.

H.R. 1104 includes Section 305, which increases the authorization level of the National Center for Missing and Exploited Children to \$20,000,000 for fiscal years 2004 and 2005. As the nation's resource center and clearinghouse for missing and exploited children, the Center carries out many important responsibilities that provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

In order to do this, the Center operates a national 24-hour toll-free telephone line for individuals to report information regarding the location of any missing child. A call to NCMEC's

Hotline sets into motion the Missing Children's Division where Case Management staff:

Disseminate lead information to the investigating agency in charge of a missing or sexually exploited child's case;

Assist citizens and law enforcement in filing missing person reports;

Verify information on missing children entered into the FBI's National Crime Information Center (NCIC) computer system and instruct law enforcement in the proper handling of these cases;

Offer resources and information to assist in local, regional, national, or international searches;

Coordinate with and send publications to enhance the investigative skills of law enforcement officers handling these cases; and

Work in conjunction with INTERPOL, the U.S. Department of State, FBI, and the U.S. Customs Service.

And on behalf of the U.S. Department of State, NCMC handles cases coming into the United States arising from the Hague Convention on International Child Abduction.

This worthwhile organization deserves our support. I urge my colleagues to support H.R. 1104.

Mr. UDALL of New Mexico. Mr. Chairman, I rise to express my strong disappointment in the House Leadership's politics-as-usual tactics that effectively continue to hold the AMBER bill hostage, a word I do not use lightly considering the gravity of this important legislation.

Yesterday, the House had yet another opportunity to expedite the enactment of a national AMBER Alert System. The AMBER bill has had strong bipartisan support for several months now. The national alert system would be law today but for Leadership's permitting Judiciary Committee Chairman SENSENBRENNER to hinder passage of a widely supported stands alone AMBER bill. Instead of a simple House bill narrowly tailored to address the abduction of missing children in the United States, the Chairman instead presented for a vote a broader and more complicated bill riddled with controversial provisions. Yet as a result of yesterday's vote on the rule for the Sensenbrenner bill, the national AMBER Alert System faces further delay and an uncertain outcome due to the impending conference with the Senate.

The Senate first passed a clean AMBER bill six months ago, and did so again this past January, both times by unanimous consent. H.R. 412, the popular bipartisan bill that I proudly and fervently cosponsored in the House that same month, contains the same language as the uncontroversial Senate bill. However, Chairman SENSENBRENNER has refused to allow his committee to consider H.R. 412 as a freestanding bill and instead insists on pushing his version containing unrelated provisions that the Senate has previously contested. As such, the debate of what should be a simple, common sense proposal must continue.

Prolonging the debate on this important legislation is outrageous and unnecessary. The AMBER Alert System is a proven and invaluable tool for aiding the recovery of abducted children. Sadly though, children continue to go missing in this country every day. How many of these will be affected by the failure to enact a national AMBER Alert bill in a timely manner?

The Congress needed to enact this critically important legislation sooner rather than later. Accordingly, I reiterate my disappointment in the political wrangling that continues to prolong this bill's eventual presentation to the President.

Mrs. BLACKBURN. Mr. Chairman, as we debate H.R. 1104, the Child Abduction Prevention Act of 2003, it is important to talk about not only the AMBER Alert provision in the bill, but to also praise additional measures of the legislation that serve and protect our Nation's children. Certainly the AMBER Alert system has helped to find missing children throughout the nation and in my home state of Tennessee, but this bill has a wider scope by working to stop abductions before they occur.

H.R. 1104 gives us the ability to provide stronger penalties against kidnappers, sex offenders and child abductors. It aids law enforcement by giving them the ability to prosecute the criminals responsible for these crimes. For example, it requires a minimum 20-year sentence for criminals that kidnap or abduct a child under the age of 18.

Of great importance, it denies pretrial release for child kidnappers or child rapists and eliminates the statute of limitations for child kidnapping or sex crimes.

Further, it gives a judge the discretion to rule that a released sex offender's supervision be extended up to a maximum of life. It also requires a mandatory life in prison sentence to twice convicted child sex offenders. These two provisions may give parents a small sense of relief that a sex offender will not move into their neighborhood and prey on their children.

Each of these measures will work to enhance the good work being done at the local level by our child advocacy centers and organizations.

In addition, the Child Abduction and Prevention Act of 2003 provides extra money for the Missing and Exploited Youth Program—an essential element to both finding missing children and preventing child abductions. It reauthorizes the annual grant to the National Center for Missing and Exploited Youth and doubles the funding level to \$20 million each year through 2005.

Unquestionably, the AMBER Alert provision in this bill is an essential one. But it is also imperative that we act to stop abductions before they happen. The Child Prevention Act of 2003 does just that.

Mr. GOODLATTE. Mr. Chairman, I rise today in support of H.R. 1104, the Child Abduction Prevention Act. This important legislation cracks down on child predators and provides the resources to help ensure that abducted children are safely returned home.

Specifically, H.R. 1104 increases the minimum and maximum penalties for the sexual exploitation and sex trafficking of children. It also directs the Sentencing Commission to increase the base offense level for kidnapping.

Furthermore, it removes the statute of limitations for child abductions and for many felony sex offenses. This provision will be particularly helpful in situations where DNA evidence conclusively proves the identity of a perpetrator years after the crime was committed.

In addition to increasing criminal penalties for child predators, H.R. 1104 also establishes and funds an AMBER alert coordination program. To accomplish this, the bill first establishes an AMBER alert coordinator within the Department of Justice to assist States with de-

veloping, enhancing, and coordinating their AMBER alert plans. Second, the bill authorizes \$5 million to be distributed to the Department of Justice to award grants to encourage the development of AMBER alert activities. The establishment of this AMBER alert coordination program is a crucial step toward bringing missing and abducted children home safely.

As a member of the Congressional Missing and Exploited Children's Caucus, I have long been concerned about the safety of children, the most vulnerable members of our society. The caucus has worked to build awareness about missing children, and to create a cohesive voice in Congress so that we might introduce and pass legislation that will strengthen law enforcement and community mobilization efforts to combat child abduction. H.R. 1104 achieves both of these goals and I encourage each of my colleagues to support this important legislation.

Mr. HEFLEY. Mr. Chairman, I rise today in strong support of H.R. 1104, the Child Abduction Prevention Act. This important legislation has several provisions that go a long way toward securing the safety of our Nation's children.

H.R. 1104 allows judges to extend supervision of released sex offenders for the rest of their life. This bill will eliminate the statute of limitations for child abductions and sex crimes so that we can prosecute these criminals whenever and wherever we find them. The clock will never run out and these criminals will not get away with their despicable crimes. H.R. 1104 will deny pre-trial release for child rapists or child abductors so they cannot flee this country and escape prosecution. This bill establishes a mandatory two-strikes-you're-out sentence for twice-convicted child sex offenders. H.R. 1104 will also mandate a minimum 20-year prison sentence for kidnaping of a minor non-family member.

Another important part of this legislation is the re-authorization and doubling of the annual grant to the National Center for Missing and Exploited Children. H.R. 1104 also allows the COPS program to use federal funds for a sex offender apprehension program to track sex offenders that violate the terms of their release. Finally, Mr. Chairman this bill establishes a national AMBER Alert program to facilitate the recovery of abducted children.

On this final point Mr. Chairman I would like to take a minute to discuss the importance of this program. Many people in both chambers of Congress have worked long and hard to create the AMBER Alert program on a national level. I was the first member of this Congress to introduce legislation in the House that would establish a national AMBER Alert program because I feel very strongly that our Nation's youth need to be protected. As many of you are aware, the AMBER Alert program would require the Attorney General to assign a national coordinator for the AMBER Alert communications network. This coordinator would be responsible for (1) eliminating the gaps in this network; (2) working with the States to develop additional networks and ensure regional coordination; (3) act as the nationwide point of contact for network development for regional coordination. The AMBER Alert coordinator would notify the FBI concerning each child abduction for which the AMBER Alert network is activated and establish minimum standards for issuing and disseminating alerts.

The AMBER Alert legislation would require the Secretary of Transportation to provide grants to the States for the development and enhancement of the communications system along highways for the AMBER Alert network. These grants will improve the development or enhancement of electronic message boards and placement of additional signs along highways.

Finally this legislation will direct the Attorney General to provide grants to States for the development of programs and activities for the support of the AMBER Alert communications plans.

Mr. Chairman, I would like to thank all the members who have worked so hard on this legislation. This is a vital piece of legislation that, when enacted, will go a long way toward securing this country's youth.

Mr. TERRY. Mr. Chairman, I rise in strong support of H.R. 1104, the Child Abduction Prevention Act.

Our nation rejoiced with the family of Elizabeth Smart when she was recovered safely after spending nine months at the mercy of her kidnapper. We will always remember her courage in the face of terror, the steadfastness of her family, the determination of law enforcement officers, and the life-saving help of the two couples who alerted police to her abductor. The remarkable conclusion to this kidnapping has inspired our nation and drawn further attention to the plight of missing children and their families.

According to the U.S. Department of Justice, there were 58,200 children abducted by non-family members in 1999. Nearly half of these children were sexually assaulted, and about 100 were murdered. The National Center for Missing and Exploited Children reports that "74 percent of abducted children who are murdered are dead within three hours of the abduction."

H.R. 1104 will help recover children in these first crucial hours by aiding more states with setting up AMBER alert systems to utilize the eyes and ears of the public. This legislation will also help to keep career child rapists and killers off our streets by establishing a mandatory lifetime prison sentence for twice-convicted child molesters, and a 20-year sentence for non-family child abductors. These critical steps will help more families with missing children experience the joy of having their child come back home.

Mr. Chairman, I urge my colleagues to join me in supporting this legislation to help save the lives of kidnapped children and prevent future abductions. I yield back the balance of my time.

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

The CHAIRMAN pro tempore (Mr. SHIMKUS). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1104

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—

(1) in subsection (e)(3), by inserting "on any such revocation" after "required to serve";

(2) in subsection (h), by striking "that is less than the maximum term of imprisonment authorized under subsection (e)(3)"; and

(3) by adding at the end the following:

"(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years or life, and the sentence for any such offense that is a felony shall include a term of supervised release of at least 5 years."

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 ILLEGAL 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 30 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 30 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 30 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), 2244(a)(1) or (2) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), 2251 (relating to sexual exploitation of children), 2251A (relating to selling or buying of children), or 2422(b) (relating to coercion and enticement of a minor into prostitution); 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).”

(b) **CONFORMING AMENDMENT.**—Sections 2247(a) and 2426(a) of title 18, United States Code, are each amended by inserting “, unless section 3559(e) applies” before the final period.

SEC. 107. ATTEMPT LIABILITY FOR INTERNATIONAL PARENTAL KIDNAPPING.

Section 1204 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting “, or attempts to do so,” before “or retains”; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting “or the Uniform Child Custody Jurisdiction and Enforcement Act” before “and was”; and

(B) in paragraph (2), by inserting “or” after the semicolon.

TITLE II—INVESTIGATIONS AND PROSECUTIONS

Subtitle A—Law Enforcement Tools To Protect Children

SEC. 201. INTERCEPTIONS OF COMMUNICATIONS IN INVESTIGATIONS OF SEX OFFENSES.

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

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

(2) in paragraph (c)—

(A) by inserting “1591 (sex trafficking),” before “section 1751”; and

(B) by striking “2251 and 2252 (sexual exploitation of children)” and inserting “2251, 2251A, 2252, 2252A, and 2260 (sexual exploitation of children)”; and

(C) by inserting “sections 2421, 2422, 2423, and 2425 (transportation for illegal sexual activity and related crimes),” before “section 1029”.

(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:

“§ 3297. 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 section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425.”

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

“3297. 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 by striking “or 2332b” and inserting “1201, 1591, 2241, 2242, 2244(a)(1), 2242(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2332b, 2421, 2422, 2423, or 2425”.

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”.

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 appropriate information relating to the special needs of an abducted child (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) 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.

(4) 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) DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State under this subsection for the development of a State program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. The State program shall provide for the planning, coordination, and design of systems, protocols, and message sets that support the coordination and communication necessary to notify motorists about abductions of children.

(2) ELIGIBLE ACTIVITIES.—A grant under this subsection may be used by a State for the following purposes:

(A) To develop general policies and procedures to guide the use of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(B) To develop guidance or policies on the content and format of alert messages to be conveyed on changeable message signs or other traveler information systems.

(C) To coordinate State, regional, and local plans for the use of changeable message signs or other transportation related issues.

(D) To plan secure and reliable communications systems and protocols among public safety and transportation agencies or modify existing communications systems to support the notification of motorists about abductions of children.

(E) To plan and design improved systems for communicating with motorists, including the capability for issuing wide area alerts to motorists.

(F) To plan systems and protocols to facilitate the efficient issuance of child abduction notification and other key information to motorists during off-hours.

(G) To provide training and guidance to transportation authorities to facilitate appropriate use of changeable message signs and other traveler information systems for the notification of motorists about abductions of children.

(c) IMPLEMENTATION GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State under this subsection for the implementation of a program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. A State shall be eligible for a grant under this subsection if the Secretary determines that the State has developed a State program in accordance with subsection (b).

(2) ELIGIBLE ACTIVITIES.—A grant under this subsection may be used by a State to support the implementation of systems that use changeable message signs or other motorist information systems to notify motorists about abductions of children. Such support may include the purchase and installation of changeable message

signs or other motorist information systems to notify motorists about abductions of children.

(d) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.

(e) DISTRIBUTION OF GRANT AMOUNTS.—The Secretary shall, to the maximum extent practicable, distribute grants under this section equally among the States that apply for a grant under this section within the time period prescribed by the Secretary.

(f) ADMINISTRATION.—The Secretary shall prescribe requirements, including application requirements, for the receipt of grants under this section.

(g) DEFINITION.—In this section, the term “State” means any of the 50 States, the District of Columbia, or Puerto Rico.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$20,000,000 for fiscal year 2004. Such amounts shall remain available until expended.

(i) STUDY OF STATE PROGRAMS.—

(1) STUDY.—The Secretary shall conduct a study to examine State barriers to the adoption and implementation of State programs for the use of communications systems along highways for alerts and other information for the recovery of abducted children.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with any recommendations the Secretary determines appropriate.

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 Attorney General 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 2004 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 inserting “and \$20,000,000 for each of fiscal years 2004 and 2005” after “and 2003”.

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. 3796d(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;”.

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 108-48. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 108-48.

AMENDMENT NO. 1 OFFERED BY MR. PENCE

Mr. PENCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. PENCE:

At the end of title I (page ____, after line ____,) insert the following:

SEC. 108. MISLEADING DOMAIN NAMES ON THE INTERNET.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252A the following:

“§2252B. Misleading domain names on the Internet

“(a) Whoever knowingly uses a misleading domain name with the intent to deceive a person into viewing obscenity on the Internet shall be fined under this title or imprisoned not more than 2 years, or both.

“(b) Whoever knowingly uses a misleading domain name with the intent to deceive a minor into viewing material that is harmful to minors on the Internet shall be fined under this title or imprisoned not more than 4 years, or both.

“(c) For the purposes of this section, a domain name that includes a word or words to indicate the sexual content of the site, such as ‘sex’ or ‘porn’, is not misleading.

“(d) For the purposes of this section, the term ‘material that is harmful to minors’ means any communication that—

“(1) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

“(2) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

“(3) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the time relating to section 2252A the following new item:

“2252B. False or misleading domain names on the Internet.”.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Indiana (Mr. PENCE) and a

Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today as the author of the Pence amendment, the Truth in Domain Names Act, as a legislator, as a member of the Committee on the Judiciary, its Subcommittee on Courts, the Internet, and Intellectual Property; but also, most importantly, Mr. Chairman, I rise today as a dad who loves to sit my 9-year-old daughter or my 11-year-old son on my knee and help them with their homework on the Internet. It was the experience of doing that that inspired me in the last Congress to author the Truth in Domain Names Act, and it has inspired me to bring this amendment to the underlying bill, the Child Abduction Prevention Act, today.

Thanks to the extraordinary leadership of the gentleman from Wisconsin (Chairman SENSENBRENNER), we are considering a bill today that will make measurable progress in protecting our children from child predators. I would offer humbly today, Mr. Chairman, that the Pence amendment is just such a bill.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. PENCE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe the gentleman's amendment is a very constructive amendment. I urge the committee to adopt it.

Mr. PENCE. Mr. Chairman, I thank the gentleman. The Pence amendment will make it a criminal act to knowingly use a misleading domain name with the intent to deceive a person into viewing obscenity on the Internet; and, most especially, it would make it a criminal act to knowingly use a misleading domain name with the intent to deceive a minor into viewing material on the Internet that is harmful.

Like many of the Members, I believe the Internet should remain free of regulation, Mr. Chairman. The Pence amendment is not regulation of the Internet. It is an anti-fraud bill. It does not prevent any material from being displayed on the Internet. In fact, a domain name that includes word or words to indicate sexual content on the site like the word "sex" or "porn" is by definition in this law not considered misleading. The amendment simply requires Web site owners to be honest about the content of their site, preventing families just like mine from surfing the Internet as their children do homework and all of a sudden finding themselves in a place of prurient and pornographic material.

I am not the only one with this problem. A recent survey conducted in the year 2000 by the Crimes Against Children Research Center found that 71 percent of teens had accidentally come across inappropriate sexual material on the Internet. Another study con-

ducted by the Berkeman Center at Harvard Law School reviewed 5,000 domain names that were just slight misspellings of existing Web sites and found, and I am quoting, "A majority of these domain names are variations on sites frequently used by children; and although their domain names do not suggest the presence of sexually explicit content, more than 89 percent of the Web sites examined contained sexually explicit material."

The Pence amendment is endorsed by leading organizations of a child advocate nature, and I urge its passage.

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

The CHAIRMAN pro tempore. Is there any Member seeking time in opposition?

Mr. SCOTT of Virginia. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

This is one of the reasons why it is difficult to consider legislation on the floor that had not been considered by committee. Reading the legislation, it appears that they have defined things that are obscene and, if that is the case, the whole site can be busted for obscenity. If it is not obscene, I am not sure that the amendment even applies. Adding "misleading" will just add complications to the prosecution because if we can prosecute for the obscenity, we do not have to get into the question of whether the title was misleading or not. We have constitutional implications with this because "misleading" may apply to adults as well as children.

There have been no hearings on this to my knowledge and certainly no committee consideration of this. I would point out that if the exemption on the bill, if we have a sexual implication in the name of the Web site, that might cause as many problems as it does solutions because it would make it easier to find the pornographic and obscene sites.

The AMBER alert bill ought to be passed by itself. We ought not be complicated with amendments such as this that have not been considered on the floor. So I would hope we would defeat the amendment, take the AMBER alert portion of the bill by itself so that that could be passed and considered, and deal with this kind of a measure in committee where we can deliberate and get all the fact and implications.

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

Mr. PENCE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT), a distinguished member of the Committee on Appropriations, one of the leading advocates of pro-family issues in Congress.

(Mr. ADERHOLT asked and was given permission to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Chairman, first of all, let me thank the full committee Chair for his support for this amendment. We think this is certainly important, and it speaks well of him and his committee for accepting this amendment, support of it.

I am proud to stand here today in strong support of this amendment offered by the gentleman from Indiana (Mr. PENCE), my good friend and colleague. Passage of this legislation represents a positive step towards protecting our children from pornographic Web sites.

As the dad of a 3-year-old, I know personally that there is no substitute for parental supervision when it comes to the safety of our children. This bill does not assume to be the solution to parents who make the Internet a babysitter for their kids. Instead, this is meant to be a tool in the arsenal of responsible parenting. I believe this is why the National Center for Missing and Exploited Children is supporting this amendment.

The purpose of this bill is to punish those who use misleading domain names to attract children to pornographic Web sites. These sites use legitimate-sounding names to lure children to view pornographic material. This amendment, as has been cited, would authorize punishment of up to a quarter million dollars and imprisonment to 4 years. I would urge my colleagues to support this amendment and support final passage.

Mr. SCOTT of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. PENCE. Mr. Chairman, I have one remaining speaker on this amendment and would reserve the right to close.

The CHAIRMAN pro tempore. The gentleman in opposition has the right to close.

Mr. PENCE. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE), probably one of the leading congressional advocates for youth issues, the gentleman from the Committee on Education and the Workforce.

Mr. OSBORNE. Mr. Chairman, I thank the gentleman from Indiana (Mr. PENCE) for yielding me this time. I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his support of this amendment.

A year ago, my staff brought to my attention the fact that my name uses a search word that brought up a porn site so that meant that anyone in my District who was doing research on their Congressman was subject to a porn site and anyone doing research on athletics or football quite often would be subjected to the same pornographic material. I have grandchildren who are ages 6, 7, and 10, who all use the computer much better than I do, and it really concerns me that innocent words like "Barbie" or "Disneyland" can bring up graphic pornographic material or invite them into chat rooms that are frequented by pedophiles. So this is an issue that is very personal with me.

Of course, we are concerned about first amendment rights, but what about the rights of children who grow up in a wholesome environment to maintain some innocence, to not be exploited? The Pence amendment makes the use of domain names to deliberately mislead children viewing pornography to be a criminal activity. I urge support of the Pence amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

In closing, I would like to say that this bill has significant constitutional implications. I include for the RECORD a letter from Artist Empowerment Coalition in opposition to the amendment.

ARTIST EMPOWERMENT COALITION,
New York, NY, March 26, 2003.

Honorable Member,
House Committee on Judiciary,
Washington, DC.

Dear MEMBER: The Artist Empowerment Coalition (AEC) strongly opposes the language in Section 108 of the Amber Bill, which refers to MISLEADING DOMAIN NAMES ON THE INTERNET. The AEC represents a nationwide coalition of artists, songwriters, producers and industry executives. On behalf of the coalition, we ask that you oppose this amendment and prevent its inclusion in the legislation. The impact of its passage would be much broader and more harmful than the intent in our view, for the following reasons:

1. It is the artists' 1st Amendment right to express themselves creatively on the web or otherwise.

2. Recording artists of all genres have website domain names, which vary in origin and may reflect simply their names, titles, who they are and/or what they represent musically.

3. In some instances, an artists website content can include language and lyrics which are part of their overall body of work.

4. The content of the website and their creative expression is not and cannot always be reflected within the domain name.

5. Under Section 108 of this proposed amendment, content of an artists' website, judged subjectively, may be deemed "obscene" and therefore, based upon absence of labeling to that effect, exposes an artist to punishment under the law which can include, but is not limited to imprisonment.

6. The domain name selection, and its use on the part of an artist, is not, in this case, "knowingly misleading," rather it is selected based upon an artists rights under the 1st Amendment of the Constitution.

Further, the AEC believes artists should have the right to use domain names, which are not subject to "labeling" and third party interpretations. We believe it is wrong to imply that an artist intends to "knowingly deceive" a person or persons simply by using his or her name, for instance, as the domain name rather than a description of the website contents.

While the AEC supports efforts to protect children from kidnapping and efforts to apprehend criminals, we oppose this and any measure, which wrongly makes criminals of the creative community, hinders the creative process and violates creative rights under the law. Please vote "NO" on this bill as amended.

Sincerely,

TRACEY WALKER,
Director of Public Affairs.

Mr. SCOTT of Virginia. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 108-48.

AMENDMENT NO. 2 OFFERED BY MR. FEENEY

Mr. FEENEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FEENEY:

At the end of title I (page , after line), insert the following:

SEC. . SENTENCING REFORM.

(a) REQUIREMENT TO SPECIFY IN THE GUIDELINES THE GROUNDS UPON WHICH DOWNWARD DEPARTURES MAY BE GRANTED.—Section 3553(b) of title 18, United States Code, is amended to read as follows:

“(b) APPLICATION OF GUIDELINES IN IMPOSING A SENTENCE.—The court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless the court finds that—

“(1) there exists an aggravating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence different from that described; or

“(2) there exists a mitigating circumstance of a kind, or to a degree, that—

“(A) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, United States Code, taking account of any amendments to such sentencing guidelines or policy statements by act of Congress;

“(B) has not adequately been taken into consideration by the Sentencing Commission in formulating the guidelines; and

“(C) should result in a sentence different from that described.

In determining whether a circumstance was adequately taken into consideration, the court shall consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission, together with any amendments thereto by act of Congress. In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for the purposes set forth in subsection (a)(2). In the absence of an applicable sentencing guideline in the case of an offense other than a petty offense, the court shall also have due regard for the relationship of the sentence imposed to sentences prescribed by guidelines applicable to similar offenses and offenders, and to the applicable policy statements of the Sentencing Commission, together with any amendments to such guidelines or policy statements by act of Congress.”.

(b) REFORM OF EXISTING PERMISSIBLE GROUNDS OF DOWNWARD DEPARTURES.—Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended as follows:

(1) Section 5K2.0 is amended as follows:

(A) Strike the first and second paragraphs of the Commentary to section 5K2.0 in their entirety.

(B) Strike “departure” every place it appears and insert “upward departure”.

(C) Strike “depart” every place it appears and insert “depart upward”.

(D) In the first sentence of section 5K2.0—

(i) strike “outside” and insert “above”;

(ii) strike “or mitigating”; and

(iii) strike “Under” and insert:

“(a) UPWARD DEPARTURES.—Under”.

(E) In the last sentence of the first paragraph of section 5K2.0, strike “or excessive”.

(F) Immediately before the Commentary to section 5K2.0, insert the following:

“(b) DOWNWARD DEPARTURES.—

“Under 18 U.S.C. §3553(b)(2), the sentencing court may impose a sentence below the range established by the applicable guidelines only if the court finds that there exists a mitigating circumstance of a kind, or to a degree, that—

“(1) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, United States Code, taking account of any amendments to such sentencing guidelines or policy statements by act of Congress;

“(2) has not adequately been taken into consideration by the Sentencing Commission in formulating the guidelines; and

“(C) should result in a sentence different from that described.

“The grounds enumerated in this Part K of chapter 5 are the sole grounds that have been affirmatively and specifically identified as a permissible ground of downward departure in these sentencing guidelines and policy statements. Thus, notwithstanding any other reference to authority to depart downward elsewhere in this Sentencing Manual, a ground of downward departure has not been affirmatively and specifically identified as a permissible ground of downward departure within the meaning of section 3553(b)(2) unless it is expressly enumerated in this Part K as a ground upon which a downward departure may be granted.”.

(2) At the end of part K of chapter 5, add the following new sections:

“§5K2.22 Specific Offender Characteristics as Grounds for Downward Departure (Policy Statement)

“Age may be a reason to impose a sentence below the applicable guideline range only if and to the extent permitted by §5H1.1.

“An extraordinary physical impairment may be a reason to impose a sentence below the applicable guideline range only if and to the extent permitted by §5H1.4. Drug, alcohol, or gambling dependence or abuse is not a reason for imposing a sentence below the guidelines.

“§5K2.23 Early Disposition Programs as a Ground for Downward Departure (Policy Statement)

“Upon motion of the government stating that:

“(1) due to extraordinary resource constraints, not typical of most districts, associated with the disproportionately high incidence of illegal reentry or other specific offenses within a particular district, the Attorney General has formally certified that the district is authorized to implement an early disposition program with respect to those specific categories of offenses;

“(2) pursuant to such specific authorization, the United States Attorney for the district has implemented such an early disposition program with respect to the category of offense for which the defendant has been convicted;

“(3) pursuant to such an early disposition program, the defendant, within 30 days of his or her first appearance before a judicial officer in connection with such a charge, entered into a plea agreement whereby he or she agrees, inter alia—

“(A) not to file any of the motions described in Federal Rule of Criminal Procedure 12(b)(3);

“(B) to waive appeal;
 “(C) to waive the opportunity to pursue collateral relief under 28 U.S.C. §§2254 and 2255, including ineffective assistance of counsel claims; and

“(D) if an alien, to submit to uncontested removal from the United States upon completion of any sentence of imprisonment;

“(4) the plea agreement contemplates that the government will move for a downward departure based on the defendant’s prompt agreement to enter into such an early disposition plea agreement; and “(5) the defendant has fully satisfied the conditions of such plea agreement,

then, if the court finds that these conditions have been met and also finds that the defendant has received the maximum adjustment for which he is eligible (given his offense level) under §3E1.1, the court may depart downward from the guidelines under this section only to the extent agreed to by the parties in the plea agreement, which in no event shall exceed 4 levels.

“Commentary

“Several districts, particularly on the southwest border, have early disposition programs that allow them to process very large numbers of cases with relatively limited resources. Such programs are based on the premise that a defendant who promptly agrees to participate in such a program has saved the government significant and scarce resources that can be used in prosecuting other defendants and has demonstrated an acceptance of responsibility above and beyond what is already taken into account by the adjustments contained in §3E1.1. This section preserves the authority to grant limited departures pursuant to such programs. In order to avoid unwarranted sentencing disparities within a given district, any departure under this section must be pursuant to a formal program that is approved by the United States Attorney and that applies generally to a specified class of offenders. Authorization for the district to establish an early disposition program must also have been specifically conferred by the Attorney General, and may be granted only with respect to those particular classes of offenses (such as illegal reentry) whose high incidence within the district has imposed an extraordinary strain on the resources of that district as compared to other districts. To be eligible for the departure, the plea agreement under the program must reflect that the defendant has agreed to an expeditious plea, as described. A defendant who has not received any adjustment for acceptance of responsibility under §3E1.1 cannot receive a departure under this provision. A defendant whose offense level makes him eligible for the additional adjustment under §3E1.1(b), but who fails to satisfy the requirements for such an adjustment, is likewise ineligible for a departure under this provision. This section does not confer authority to depart downward on an ad hoc basis in individual cases. Moreover, because the Government’s affirmative acquiescence is essential to the fair and efficient operation of an early disposition program, a departure under this section may only be granted upon a formal motion by the Government at the time of sentencing. Nothing in this section authorizes a sentence below a statutory mandatory minimum.”

(3) Section 5K2.20 is deleted.
 (4) Section 5H1.6 and section 5H1.11 are each amended by striking “ordinarily” every place it appears.

(5) Section 5K2.13 is amended by—
 (A) striking “or” before “(3)”; and
 (B) replacing “public” with “public; or (4) the defendant has been convicted of an offense under chapter 71, 109A, 1110, or 117 of title 18, United States Code.”.

(c) STATEMENT OF REASONS FOR IMPOSING A SENTENCE.—Section 3553(c) of title 18, United States Code, is amended—

(1) by striking “described.” and inserting “described, which reasons must also be stated with specificity in the written order of judgment and commitment, except to the extent that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32. In the event that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32 the court shall state that such statements were so received and that it relied upon the content of such statements.”;

(2) by inserting “, together with the order of judgment and commitment,” after “the court’s statement of reasons”; and

(3) by inserting “and to the Sentencing Commission,” after “to the Probation System”.

(d) REVIEW OF A SENTENCE.—

(1) REVIEW OF DEPARTURES.—Section 3742(e)(3) of title 18, United States Code, is amended to read as follows:

“(3) is outside the applicable guideline range, and

“(A) the district court failed to provide the written statement of reasons required by section 3553(c);

“(B) the sentence departs from the applicable guideline range based on a factor that—

“(i) does not advance the objectives set forth in section 3553(a)(2); or

“(ii) is not authorized under section 3553(b); or

“(iii) is not justified by the facts of the case; or

“(C) the sentence departs to an unreasonable degree from the applicable guidelines range, having regard for the factors to be considered in imposing a sentence, as set forth in section 3553(a) of this title and the reasons for the imposition of the particular sentence, as stated by the district court pursuant to the provisions of section 3553(c); or”.

(2) STANDARD OF REVIEW.—The last paragraph of section 3742(e) of title 18, United States Code, is amended by striking “shall give due deference to the district court’s application of the guidelines to the facts” and inserting “, except with respect to determinations under subsection (3)(A) or (3)(B), shall give due deference to the district court’s application of the guidelines to the facts. With respect to determinations under subsection (3)(A) or (3)(B), the court of appeals shall review de novo the district court’s application of the guidelines to the facts”.

(3) DECISION AND DISPOSITION.—

(A) The first paragraph of section 3742(f) of title 18, United States Code, is amended by striking “the sentence”;

(B) Section 3742(f)(1) of title 18, United States Code, is amended by inserting “the sentence” before “was imposed”;

(C) Section 3742(f)(2) of title 18, United States Code, is amended to read as follows:

“(2) the sentence is outside the applicable guideline range and the district court failed to provide the required statement of reasons in the order of judgment and commitment, or the departure is based on an impermissible factor, or is to an unreasonable degree, or the sentence was imposed for an offense for which there is no applicable sentencing guideline and is plainly unreasonable, it shall state specific reasons for its conclusions and—
 “(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and remand the case for further sentencing proceedings with such instructions as the court considers appropriate, subject to subsection (g);

“(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and remand the case for further sentencing proceedings with such instructions as the court considers appropriate, subject to subsection (g);”;

(D) Section 3742(f)(3) of title 18, United States Code, is amended by inserting “the sentence” before “is not described”.

(e) IMPOSITION OF SENTENCE UPON REMAND.—Section 3742 of title 18, United States Code, is amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting the following after subsection (f):

“(g) SENTENCING UPON REMAND.—A district court to which a case is remanded pursuant to subsection (f)(1) or (f)(2) shall resentence a defendant in accordance with section 3553 and with such instructions as may have been given by the court of appeals, except that—
 “(1) In determining the range referred to in subsection 3553(a)(4), the court shall apply the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that were in effect on the date of the previous sentencing of the defendant prior to the appeal, together with any amendments thereto by any act of Congress that was in effect on such date; and
 “(2) The court shall not impose a sentence outside the applicable guidelines range except upon a ground that—

“(A) was specifically and affirmatively included in the written statement of reasons required by section 3553(c) in connection with the previous sentencing of the defendant prior to the appeal; and
 “(B) was held by the court of appeals, in remanding the case, to be a permissible ground of departure.”.

(f) DEFINITIONS.—Section 3742 of title 18, United States Code, as amended by subsection (e), is further amended by adding at the end the following:
 “(j) DEFINITIONS.—For purposes of this section—
 “(1) a factor is a ‘permissible’ ground of departure if it—
 “(A) advances the objectives set forth in section 3553(a)(2); and
 “(B) is authorized under section 3553(b); and
 “(C) is justified by the facts of the case; and
 “(2) a factor is an ‘impermissible’ ground of departure if it is not a permissible factor within the meaning of subsection (j)(1).”.

(g) REFORM OF GUIDELINES GOVERNING ACCEPTANCE OF RESPONSIBILITY.—Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended—

(1) in section 3E1.1(b)—

(A) by inserting “upon motion of the government stating that” immediately before “the defendant has assisted authorities”; and

(B) by striking “taking one or more” and all that follows through and including “additional level” and insert “timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently, decrease the offense level by 1 additional level”;

(I) in the Application Notes to the Commentary to section 3E1.1, by amending Application Note 6—

(A) by striking “one or both of”; and

(B) by adding the following new sentence at the end: “Because the Government is in the best position to determine whether the defendant has assisted authorities in a manner that avoids preparing for trial, an adjustment under subsection (b)(2) may only be

granted upon a formal motion by the Government at the time of sentencing.”; and

(3) in the Background to section 3E1.1, by striking “one or more of”.

(h) IMPROVED DATA COLLECTION.—Section 994(w) of title 28, United States Code, is amended to read as follows:

“(w)(1) The Chief Judge of each district court shall ensure that, within 30 days following entry of judgment in every criminal case, the sentencing court submits to the Commission a written report of the sentence, the offense for which it is imposed, the age, race, sex of the offender, and information regarding factors made relevant by the guidelines. The report shall also include—

“(A) the judgment and commitment order;

“(B) the statement of reasons for the sentence imposed (which shall include the reason for any departure from the otherwise applicable guideline range);

“(C) any plea agreement;

“(D) the indictment or other charging document;

“(E) the presentence report; and

“(F) any other information as the Commission finds appropriate.

“(2) The Commission shall, upon request, make available to the House and Senate Committees on the Judiciary, the written reports and all underlying records accompanying those reports described in this section, as well as other records received from courts.

“(3) The Commission shall submit to Congress at least annually an analysis of these documents, any recommendations for legislation that the Commission concludes is warranted by that analysis, and an accounting of those districts that the Commission believes have not submitted the appropriate information and documents required by this section.”.

(i) SENTENCING GUIDELINES AMENDMENTS.—

(1) Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended as follows:

(A) Application Note 4(b)(i) to section 4B1.5 is amended to read as follows:

“(i) IN GENERAL.—For purposes of subsection (b), the defendant engaged in a pattern of activity involving prohibited sexual conduct if on at least two separate occasions, the defendant engaged in prohibited sexual conduct with a minor.”.

(B) Section 2G2.4(b) is amended by adding at the end the following:

“(4) If the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence, increase by 4 levels.

“(5) If the offense involved—

“(A) at least 10 images, but fewer than 150, increase by 2 levels;

“(B) at least 150 images, but fewer than 300, increase by 3 levels;

“(C) at least 300 images, but fewer than 600, increase by 4 levels; and

“(D) 600 or more images, increase by 5 levels.”.

(C) Section 2G2.2(b) is amended by adding at the end the following:

“(6) If the offense involved—

“(A) at least 10 images, but fewer than 150, increase by 2 levels;

“(B) at least 150 images, but fewer than 300, increase by 3 levels;

“(C) at least 300 images, but fewer than 600, increase by 4 levels; and

“(D) 600 or more images, increase by 5 levels.”.

(2) The Sentencing Commission shall amend the Sentencing Guidelines to ensure that the Guidelines adequately reflect the seriousness of the offenses under sections 2243(b), 2244(a)(4), and 2244(b) of title 18, United States Code.

(j) CONFORMING AMENDMENTS.—

(1) Upon enactment of this Act, the Sentencing Commission shall forthwith distribute to all courts of the United States and to the United States Probation System the amendments made by subsections (b), (g), and (i) of this section to the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission. These amendments shall take effect upon the date of enactment of this Act, in accordance with paragraph (5).

(2) On or before May 1, 2005, the Sentencing Commission shall not promulgate any amendment to the sentencing guidelines, policy statements, or official commentary of the Sentencing Commission that is inconsistent with any amendment made by subsection (b) or that adds any new grounds of downward departure to Part K of chapter 5. At no time may the Commission promulgate any amendment that would alter or repeal section 5K2.23 of the Federal Sentencing Guidelines Manual, as added by subsection (b).

(3) With respect to cases covered by the amendments made by subsection (i) of this section, the Sentencing Commission may make further amendments to the sentencing guidelines, policy statements, or official commentary of the Sentencing Commission, except the Commission shall not promulgate any amendments that, with respect to such cases, would result in sentencing ranges that are lower than those that would have applied under such subsections.

(4) At no time may the Commission promulgate any amendment that would alter or repeal the amendments made by subsection (g) of this section.

(5) Section 3553(a) of title 18, United States Code, is amended—

(A) by amending paragraph (4)(A) to read as follows:

“(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines—

“(i) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

“(ii) that, except as provided in section 3742(g), are in effect on the date the defendant is sentenced; or”;

(B) in paragraph (4)(B), by inserting “, taking into account any amendments made to such guidelines or policy statements by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28)” after “Code”;

(C) by amending paragraph (5) to read as follows:

“(5) any pertinent policy statement—

“(A) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such policy statement by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

“(B) that, except as provided in section 3742(g), is in effect on the date the defendant is sentenced.”.

(k) COMPLIANCE WITH STATUTE.—Section 994(a) of title 28, United States Code, is amended by striking “consistent with all provisions of this title and title 18, United States Code,” and inserting “consistent with all pertinent provisions of any Federal statute”.

(l) REPORT BY THE ATTORNEY GENERAL.—

(1) Not later than 15 days after a district court’s grant of a downward departure in any case, other than a case involving a downward departure for substantial assistance to authorities pursuant to section 5K1.1 of the Sentencing Guidelines, the Attorney General shall report to the House and Senate Committees on the Judiciary, setting forth the case, the facts involved, the identity of the district court judge, the district court’s stated reasons, whether or not the court provided the United States with advance notice of its intention to depart, the position of the parties with respect to the downward departure, whether or not the United States has filed, or intends to file, a motion for reconsideration; whether or not the defendant has filed a notice of appeal concerning any aspect of the case, and whether or not the United States has filed, or intends to file, a notice of appeal of the departure pursuant to section 3742 of the title 18, United States Code.

(2) In any such case, the Attorney General shall thereafter report to the House and Senate Committees on the Judiciary not later than 5 days after a decision by the Solicitor General whether or not to authorize an appeal of the departure, informing the committees of the decision and the basis for it.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Florida (Mr. FEENEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, this amendment addresses long-standing and increasing problems of downward departures from the Federal sentencing guidelines. According to the testimony of the Department of Justice, this is especially a problem in child pornography cases.

Although the guidelines continue to state that departures should be very rare occurrences, they have in fact proved to be anything but. The Department of Justice testified before the Subcommittee on Crime, Terrorism, and Homeland Security that the rate of downward departures on grounds other than substantial assistance to the government has climbed steadily every year for many years. In fact, the rate of such departures for nonimmigration cases has climbed to 50 percent in the last 4 years from 9.6 percent in fiscal year 1996 to 14.7 percent in fiscal year 2001.

□ 1145

Increasingly, the exceptions are overriding the rule.

By contrast, Mr. Chairman, upward departures are virtually nonexistent. During the same period of time, from fiscal year 1996 to fiscal year 2001, the upward departure rate has held steady at 0.6 percent. That means that judges, by a 33 to 1 ratio, are deviating from the guidelines in order to basically help convicted defendants.

The Department of Justice believes that much of this damage is traceable to the Supreme Court’s 1996 decision in Koon versus the United States. In the Koon case, the court held that any factor not explicitly disapproved by the

sentencing commission or by statute could serve as grounds for departure. So judges can make up exceptions as they go along. This has led to an accelerated rate of downward departures.

Judges who dislike the Sentencing Reform Act and the sentencing guidelines now have significant discretion to avoid applying a sentence within the range established by the commission, and it is difficult for government to effectively appeal such cases.

The amendment I offer today contains a number of provisions designed to ensure more faithful adherence to the guidelines so defendants in cases involving child pornography and sexual abuse receive the sentences that Congress intended.

Specifically, this amendment would put strict limitations on departures by allowing sentences outside the guidelines range only upon grounds specifically enumerated in the guidelines as proper for departure. This would eliminate ad hoc departures based on vague grounds, such as "general mitigating circumstances." This amendment would also reform the existing grounds of departure set forth in the current guidelines by eliminating those that have been most frequently abused, such as "aberrant behavior," which is already taken into account in a person's past criminal history.

In addition, Mr. Chairman, this amendment would require courts to give specific responses for any departure from the guidelines. It would change the standard of review for appellate courts to a de novo review, which would be more effective to review illegal and inappropriate downward departures. It would prevent sentencing courts upon remand from imposing the same illegal departure on some different theory and only allow courts to reduce a person's sentence for acceptance of responsibility when the government agrees with that finding.

Additionally, the definition of "pattern of activity involving prohibited sexual conduct" in the sentencing guidelines is hereby broadened. Currently, the guideline provides that such a pattern exists only where the defendant engaged in prohibited sexual contact on at least two separate occasions with at least two different minor victims. This definition does not adequately take account of the frequent occurrence where repeated sexual abuse against a single child occurs and the severity of the harm to such victims from such repeated abuse. The amendment would broaden the definition to include repeated abuse of the same victim on separate occasions.

Mr. Chairman, finally, the guidelines are remanded with regard to penalties for the possession of child pornography in two ways. First, penalties are increased if the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence; and, second, penalties are increased based on the amount of child pornography involved in the offense.

The famous philosopher and statesman Cicero said that justice is the set and constant purpose which gives every man his due. Unfortunately, judges in our country all too often are arbitrarily deviating from the sentencing guidelines enacted by the United States Congress based on their personal biases and prejudices, resulting in wide disparity in sentencing.

Mr. Chairman, I would ask my colleagues to support this amendment. I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his great work on the bill, H.R. 1104, in protecting children and for his support for this amendment.

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

The CHAIRMAN pro tempore (Mr. SHIMKUS). Does the gentleman from Virginia (Mr. SCOTT) claim the time in opposition?

Mr. SCOTT of Virginia. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. SCOTT) is recognized for 10 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would have the effect of turning the sentencing guidelines into mandatory sentences in the cases it affects. We have not had hearings or markups on this matter; and this is not the way we should amend the sentencing guidelines, without thought or consideration.

The purpose of the sentencing guidelines is to provide intelligent consistency in sentencing, considering each sentence within the overall framework of other sentences, and ensuring that more serious crimes get more serious punishment. That is impossible when you just take one crime at a time outside of that context with a floor amendment such as this.

The fact is, it makes no sense to have people with different degrees of criminality getting equal sentences or people with equal degrees of criminality getting vastly different sentences.

The evidence is that the guidelines are operating the way they are supposed to. About 85 percent of the sentences are either within the guideline range or outside of the guidelines at the request of the prosecution.

The sentencing commission should retain the appropriate discretion, since that discretion has been essentially taken away from judges. If we want the commission to look at this specific problem of downward departures in these cases, we should direct the sentencing commission to do just that and not take it upon ourselves to do it all by ourselves in a vacuum.

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

Mr. FEENEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I compliment the gentleman from Florida for proposing an excellent amendment. Let me say I am really puzzled that my friend the gentleman from Virginia (Mr. SCOTT) is opposing this amendment.

Back in 1992, there was a citizen of Los Angeles County named Rodney King that was beaten up by a bunch of police officers. Those police officers were tried and convicted of a civil rights violation in a Federal Court.

The judge there had a downward departure from the sentence that Police Officer Koon would have received, which would have been 70 to 87 months under the sentencing guidelines. The District Court said, as a result of the widespread publicity and emotional outrage which would have surrounded this case, the officers were particularly likely to be targets of abuse in prison, had they been burdened by having been subjected to successive State and Federal prosecutions. So Mr. Koon only got 30 months in prison, when the guidelines required 70 to 87 months in prison.

Now, the Congressional Black Caucus sent a letter to Attorney General Janet Reno; and that was reported in the August 13, 1993, edition of the Los Angeles Times. The Black Caucus, the gentleman from California (Ms. WATERS), and 24 other members of the CBC wrote the Attorney General asking that this be appealed.

The government did appeal that sentence and won its case in the Appeals Court, and the Appeals Court held that there should be a de novo review of the sentence. Then there was an appeal to the United States Supreme Court which reversed the Appeals Court and said that the only time a district judge's departure from sentencing guidelines could be reviewed and reversed was if there was an abuse of discretion.

There is a provision in the amendment offered by the gentleman from Florida (Mr. FEENEY) that does precisely what the Congressional Black Caucus asked for almost 10 years ago, and that is to give appeals courts de novo review over sentencing guidelines.

So I am puzzled at the gentleman from Virginia's opposition. We are doing what he asked for, but maybe 10 years too late.

Now, I think it is outrageous that one out of every five cases of those convicted of sexually abusing a child or sexually exploiting a child through child pornography have received a downward departure from the sentencing guidelines. The law says this is supposed to be rare, but, instead, a 20 percent downward departure rate is not rare.

Mr. Chairman, I think that the amendment that has been offered by the gentleman from Florida plugs this loophole. It ought to be passed.

Mr. Chairman, I include for the RECORD the August 6, 1993, letter from

the Congressional Black Caucus to the Attorney General of the United States.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 1993.

Hon. JANET RENO,
Attorney General, Department of Justice, Wash-
ington, DC.

DEAR ATTORNEY GENERAL RENO: As mem-
bers of the Congressional Black Caucus, we
are writing to you because of our concern
about the sentencing of Officer Laurence
Powell and Sergeant Stacey Koon by Judge
John Davies in the Rodney King civil rights
case.

We are troubled that the sentence for the
crime was reduced to 30 months upon the
court's consideration of mitigating facts.
Such a reduction for mitigation factors may
be appropriate in other circumstances. How-
ever, we feel that the dependents' special
status as police officers, with special duties
owned to the public, should have mitigated
against such a significant reduction.

As you well know, the maximum possible
penalty was ten years and fines of up to
\$250,000. Your federal prosecutors were ask-
ing for seven to nine years. Our federal sen-
tencing guidelines recommended minimum
sentences in a range of four to seven years in
prison.

Instead, Judge John Davies made broad use
of subjective factors. He stated that he read
only letters addressed to him from the
friends and families of Officer Powell and
Sergeant Koon. He argued that much of the
violence visited on Rodney King was justi-
fied by King's own actions. However, these
officers were convicted on charges of vio-
lating Rodney King's civil rights. We believe
these mitigating factors did not justify so
large a reduction given the defendant's spe-
cial responsibilities as police officers.

In addition, Judge Davies did not afford
proper weight to the racist comments made
over police radio by those convicted on the
night of the beating in discounting race as a
motivation for the beating. He similarly
failed to take into account the remarkable
lack of remorse shown by Officer Powell and
Sergeant Koon since their conviction.

People of good will all over this country
and of all races were heartened when Officer
Powell and Sergeant Koon were convicted by
a jury of their peers, a verdict made possible
by the Justice Department's resolve to file
civil rights charges and by the phenom-
enal performance of federal prosecutors. With
these severely reduced sentences, however,
we are sending a mixed message. Are police
officers going to be held responsible for ex-
cessive use of force or not?

We think what has been lost, in all this, is
the police officers have an enhanced respon-
sibility to uphold the law.

Notwithstanding Judge Davies' authority
to modify the sentencing guidelines, most
experts agreed that the minimum four to
seven years sentence should have been fol-
lowed in this case.

We realize that the trial judge is afforded
sufficient latitude in sentencing, but we urge
the Department of Justice to appeal these
sentences. We need to reexamine these sen-
tences so that justice can finally be done in
this difficult, painful case. Only then can we
begin to put this behind us.

Sincerely,

Maxine Waters, Eva M. Clayton, Sanford
Bishop, Major R. Owens, Eddie Bernice
Johnson, Walter Tucker, Floyd H.
Flake, William Clay, Albert R. Wynn,
Charles B. Rangel, Carrie P. Meek, Wil-
liam J. Jefferson, James E. Clyburn,
Donald M. Payne, Earl Hilliard, Alcee
Hastings, Bennie M. Thompson, Kweisi
Mfume, Glee Fields, Louis Stokes, Cyn-
thia McKinney, Melvin L. Watt, John

Lewis, Ronald V. Dellums, Corrine
Brown.

Mr. SCOTT of Virginia. Mr. Chair-
man, I reserve the balance of my time,
and reserve the right to close.

The CHAIRMAN pro tempore. The
gentleman from Florida (Mr. FEENEY)
has 2½ minutes remaining.

Mr. FEENEY. Mr. Chairman, I yield
myself such time as I may consume.

Mr. Chairman, it does not surprise
me that the Congressional Black Cau-
cus long before I got here took the po-
sition that we should not have the
whims and biases and prejudices of in-
dividual judges responsible for deviat-
ing widely in the sentencing in the
same exact types of cases. So I think
the chairman of the Committee on the
Judiciary has done a wonderful job
pointing out the problem when you
allow widespread deviation.

There really had been no standards.
Why have guidelines at all, if judges
can make up ad hoc reasons to imple-
ment those guidelines?

This is an especially important prob-
lem in cases of child abuse and in cases
of sexual offenses because of the enor-
mously high recidivism rate. We have
heard Attorney General Reno says
something like 75 percent of sexual of-
fenders are going to repeat their of-
fenses. We know that exhibitionists,
for example, have some of the highest
sex offense recidivism rates, something
like between 41 and 71 percent. The
next highest recidivism rate is found
among child molesters who offend
against boys, somewhere upwards of 40
or 45 percent.

Now, it does the People's Congress no
good to pass laws prohibiting child por-
nography or kidnapping or sexual
abuse, for example, if we are going to
have liberal judges deviate on a regular
basis.

Mr. Chairman, I am delighted to have
the endorsement of the Congressional
Black Caucus for my idea, if not my
amendment necessarily.

Mr. Chairman, in closing, I would
just say that equality in sentencing is
important for a number of reasons.
Number one, we want to send a mes-
sage to criminals and would-be crimi-
nals; and, number two, we wanted to
make sure that all criminals are treat-
ed equally.

I think that is what this amendment
does. I think it provides certainty. I
think it provides a very important de-
terrent effect. We will have a lot less
child abuse, a lot less child pornog-
raphy, and perhaps less kidnapping if
we adopt this amendment.

Mr. Chairman, I yield back the bal-
ance of my time.

Mr. SCOTT of Virginia. Mr. Chair-
man, I yield myself such time as I may
consume.

Mr. Chairman, when you ask for the
courts to review it, that is so it can be
considered in the courts with all the
evidence, not in the political branch. It
is better to leave it to the sentencing
commission and the courts than to
floor amendments in the House of Rep-
resentatives.

If this is such a good idea, then let us
do it through the regular order. Let us
have some hearings, subcommittee
markup, committee markup, and then
we can slowly and deliberately consider
such an amendment.

The purpose of the sentencing com-
mission is to get away from the floor
amendments and the sound bites so
you can have intelligent sentencing.
We have had situations where you have
had sentences that are way out of pro-
portion to crimes that are just as seri-
ous, or less serious, totally out of con-
text. That is why we try to get away
from it, so that serious crimes get seri-
ous punishment, lesser crimes get less-
er punishment.

That is the purpose of the sentencing
commission. You cannot do that with
floor amendments in the House of Rep-
resentatives. That is why we would
hope this amendment could be de-
feated. We could get a clean Amber
Alert bill passed so we can get that en-
acted and not have to get bogged down
in consideration of amendments such
as this.

The CHAIRMAN pro tempore. The
question is on the amendment offered
by the gentleman from Florida (Mr.
FEENEY).

The question was taken; and the
Chairman pro tempore announced that
the ayes appeared to have it.

Mr. FEENEY. Mr. Chairman, I de-
mand a recorded vote.

The CHAIRMAN pro tempore. Pursu-
ant to clause 6 of rule XVIII, further
proceedings on the amendment offered
by the gentleman from Florida (Mr.
FEENEY) will be postponed.

It is now in order to consider amend-
ment No. 3 printed in House Report
108-48.

AMENDMENT NO. 3 OFFERED BY MR. POMEROY

Mr. POMEROY. Mr. Chairman, I offer
an amendment.

The CHAIRMAN pro tempore. The
Clerk will designate the amendment.

The text of the amendment is as fol-
lows:

Amendment No. 3 offered by Mr. POMEROY:

At the end of subtitle B of title II (page ,
after line), insert the following new sec-
tion:

**SEC. . INFORMATION AND DOCUMENTATION RE-
QUIRED BY ATTORNEY GENERAL
UNDER VICTIMS OF CHILD ABUSE
ACT OF 1990.**

(a) REGIONAL CHILDREN'S ADVOCACY CEN-
TERS.—

(1) IN GENERAL.—Section 213 of the Victims
of Child Abuse Act of 1990 (42 U.S.C. 13001b)
is amended—

(A) in subsection (b)(2)—

(i) by striking "and" at the end of subpara-
graph (A);

(ii) by striking the period at the end of
subparagraph (B) and inserting "; and"; and

(iii) by adding at the end the following new
subparagraph:

"(C) provide such information and docu-
mentation as the Attorney General shall re-
quire on an annual basis regarding the use of
such funds for purposes of evaluation of the
effect of grants on the community response
to child abuse."; and

(B) in subsection (d)(3)(A), by inserting
after "activities" the following: "or substan-
tially fails to provide information or docu-
mentation required by the Attorney Gen-
eral".

(2) CLERICAL AMENDMENTS.—Such section is further amended—

(A) in subsection (c)(4)—

(i) by striking “and” at the end of subparagraph (B)(ii);

(ii) in subparagraph (B)(iii), by striking “Board” and inserting “board”; and

(iii) by redesignating subparagraphs (C) and (D) as clauses (iv) and (v), respectively, of subparagraph (B), and by realigning such clauses so as to have the same indentation as the preceding clauses of subparagraph (B);

(B) in subsection (e), by striking “Board” in each of paragraphs (1)(B)(ii), (2)(A), and (3), and inserting “board”.

(b) LOCAL CHILDREN'S ADVOCACY CENTERS.—Section 214 of that Act (42 U.S.C. 13002) is amended in subsection (b)(2)(J) by inserting before the period at the end the following: “, including such information and documentation as the Attorney General shall require on an annual basis regarding the use of such funds for purposes of evaluation of the effect of grants on the community response to child abuse.”

(c) GRANTS FOR SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—Section 214A of such Act (42 U.S.C. 13003) is amended in subsection (c) by adding at the end the following new paragraph:

“(3) Any recipient of a grant under this section shall provide such information and documentation as the Attorney General shall require on an annual basis regarding the use of such funds for purposes of evaluation of the effect of grants on the community response to child abuse.”

(d) AUTHORIZATION OF APPROPRIATIONS.—The text of section 214B of such Act (42 U.S.C. 13004) is amended to read as follows:

“(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214, \$15,000,000 for each of fiscal years 2004 and 2005.

“(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A, \$5,000,000 for each of fiscal years 2004 and 2005.”

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from North Dakota (Mr. POMEROY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we consider this bill, which will strengthen penalties against kidnapping and aid law enforcement agencies to effectively prevent, investigate and prosecute crimes against children, we should also take this opportunity to reauthorize the Victims of Child Abuse Act. This law, initially passed in 1992, supports grants for programs to assist the victims of child abuse.

Our colleague, the gentleman from Alabama (Mr. CRAMER), was involved in the original enactment of this legislation and continues to be very active in the programs administered through this program and deserves a great deal of credit for the activity underlying the amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is a

very good amendment. This program is a very important one. It is too important to let go by the wayside. I believe we should take this opportunity to reauthorize it in the context of this bill and would urge the committee to support the gentleman's amendment.

Mr. POMEROY. Mr. Chairman, I appreciate very much the chairman's comments in that regard. They are similar to comments made by the district attorneys in a letter from the National District Attorneys Association citing the extraordinary value of these programs.

In the interest of time and in the interest of debate and with the endorsement of the Committee on the Judiciary chairman, I would put into the record the statement that I make on behalf of this amendment, along with the letter from the National District Attorneys Association, and urge its adoption.

Mr. Chairman, as we consider this bill which would strengthen penalties against kidnapping and aid law enforcement agencies to effectively prevent, investigate, and prosecute crimes against children, we should also take this opportunity to reauthorize the Victims of Child Abuse Act. This law supports grants for programs to assist victims of child abuse.

Congress passed the Victims of Child Abuse Act in 1992. This Act provided for the establishment of four Regional Children's Advocacy Centers to provide information, technical assistance, and training to assist communities in establishing programs, particularly children's advocacy centers, that respond to child abuse. Since that time, these local and regional centers have served and assisted victims of child abuse heal and recover.

The need for these centers and programs is increasing. In my home state of North Dakota, we have one Children's Advocacy Center (CAC), located in Bismarck. It opened in 1996 and is completely funded by grants. Since its opening, it has assessed and closed over 4,000 cases of abuse and/or neglect. Unfortunately, over 7,000 children have been suspected to be victims during this time. Referrals have increased by 49 percent since 2000 and 72 percent of all victims were 8 and under. As you can see, this center serves a fragile population and addresses a vital need. The Center serves 49 out of 53 counties and all four Native American reservations.

Children's Advocacy Centers are important because they make the process of reporting child abuse and receiving treatment easier on children. They provide consistent and timely response to abuse reports; effective medical and mental health treatment or referrals; and reduce the number of child interviews by prosecutors and investigators, lessening the mental impact of continued exposure to the abuser.

Nationally, there are 464 Children Advocacy Centers in the United States that are members of the National Children's Alliance (NCA). There are an additional 221 programs that are recognized by NCA as being engaged in the process of creating a CAC. The National Children's Advocacy Center (NCAC) in Huntsville, Alabama has had a significant impact on CAC development, and I want to acknowledge Representative BUD CRAMER of his outstanding work in developing the first CAC program.

I support Representative CRAMER in his work and seek to extend the legislation that helps fund its programs. The authorization for this funding expired in fiscal year 2000. While funding has continued through the annual appropriations process, Congress should reauthorize the program and demonstrate our support for its mission. The amendment would authorize \$15 million for Regional and Local Children's Advocacy Centers through 2005, and would provide \$5 million for grants for specialized technical assistance and training programs.

This amendment also adds tools for the Department of Justice to evaluate these grant programs to ensure that these funds are being used to achieve the very important goals they were designed for—helping children and families deal with the tragedy of child abuse. These tools are to be used only to improve the current delivery of child abuse prosecution and recovery.

Let's make sure every victim of child abuse has access to the resources he or she may need to assist in the prosecution of their abuser and recovery. I urge my colleagues to support this vital amendment.

Alexandria, VA, March 27, 2003.

Hon. JIM SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: On behalf of the National District Attorneys Association I want to urge the passage of the Pomperoy amendment to H.R. 1104, the Child Abduction Prevention Act. This amendment reauthorizes funding for the National Center for the Prosecution of Child Abuse, a vitally important resource for the local prosecutors of this country.

The National Center for the Prosecution of Child Abuse is dedicated to training prosecutors, police investigators, medical personnel and social workers on the intricacies of investigating and prosecuting cases of child abuse and neglect. Additionally they provide on going technical assistance to prosecutors in the field—even in the midst of a case.

Child abuse cases are some of the most complex to investigate and prosecute. The training and assistance that the Center provides is crucial to fight this scourge. I urge speedy acceptance of Mr. Pomeroy's effort to ensure that our children are protected to the utmost extent of the law.

Sincerely,

DAN M. ALSOBROOKS,
President.

Mr. POMEROY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Is there any Member seeking time in opposition?

There being none, all time for debate has expired.

The question is on the amendment offered by the gentleman from North Dakota (Mr. POMEROY).

The amendment was agreed to.

□ 1200

The CHAIRMAN pro tempore (Mr. SHIMKUS). It is now in order to consider amendment No. 4 printed in House Report 108-48.

AMENDMENT NO. 4 OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment:

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FOLEY:

At the end of section 301 of the bill, insert the following:

(e) REPORT.—Not later than March 1, 2005, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the AMBER plans of each State that has implemented such a plan. The Coordinator shall prepare the report in consultation with the Secretary of Transportation.

In section 304(b) of the bill, strike “and” at the end of paragraph (2), redesignate paragraph (3) as paragraph (4), and insert after paragraph (2) the following:

(3) the development and implementation of new technologies to improve AMBER Alert communications; and

In section 304(f)(1) of the bill, strike the period at the end insert the following:

and, in addition, \$5,000,000 for fiscal year 2004 to carry out subsection (b)(3).

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Florida (Mr. FOLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of my amendment to H.R. 1104, which will help strengthen the AMBER Alert provision being considered today.

First let me thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, for his efforts to move this important package through the House today. Provisions like the “two strikes and you’re out” for repeat child sex offenders, penalties for international sex tourism, the doubling of funding for the National Center for Missing and Exploited Children, and, of course, the AMBER Alert Act all make this legislation another nail in the coffin for those who prey on the most innocent of our society, and that is our children.

Last summer we were all shocked and horrified by the high-profile abduction cases of children from all over our country. Every time there was a new report of a missing child, one could almost feel the collective shudder of parents from the east coast to the west. The only comfort we had was the successful recovery of several children as a result of the AMBER Alert system.

AMBER, which stands for America’s Missing Broadcast Emergency Response plan, is a voluntary partnership between law enforcement agencies and broadcasters to activate an urgent bulletin in the most serious child abduction cases. Just like with severe weather alerts, broadcasters use the Emergency Alert System to air a description of the missing child and suspected abductor.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment. I commend the gentleman from

Florida for drafting and offering it, and I would urge the Committee to adopt it.

Mr. FOLEY. Mr. Chairman, I appreciate the support of the chairman of the committee.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON), the cochair of the Congressional Caucus for Missing and Exploited Children.

Mr. LAMPSON. Mr. Chairman, I thank the gentleman from Florida for yielding to me to speak in favor of the amendment that the gentleman is offering.

The gentleman’s amendment is designed to enhance the AMBER Alert provisions contained in H.R. 1104. Specifically, the amendment provides an additional \$5 million in grant funding to help States implement new technologies designed to improve the dissemination of AMBER alerts.

Though the use of highway signs and media outlets is a start, we must begin to look at new technologies like the Internet and e-mail to get these important alerts out.

The amendment will also require the new AMBER Alert coordinator to submit a report by March 1, 2005, to Congress on the effectiveness and status of the AMBER Alert plans in each State. This report will provide the information Congress needs to determine the progress that the national coordinator and the States are making toward statewide integrated AMBER Alert systems.

AMBER Alert is one of the most effective tools that we have to bring kids home. I thank the gentleman for the work that he has done on this issue and for joining me as the cochair on the Congressional Caucus for Missing and Exploited Children, and I hope the Congress passes the AMBER Alert legislation immediately, and this amendment.

Mr. FOLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does anyone seek time in opposition?

The question is on the amendment offered by the gentleman from Florida (Mr. FOLEY).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5 printed in House Report 108-48.

AMENDMENT NO. 5 OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CARTER:

Add at the end the following:

SEC. . FEASIBILITY STUDY FOR A SYSTEM OF BACKGROUND CHECKS FOR VOLUNTEERS.

(a) STUDY REQUIRED.—The Attorney General shall conduct a feasibility study within 120 days after the date of the enactment of this Act. The study shall examine, to the extent discernible, the following:

(1) The current state of fingerprint capture and processing at the State and local level,

including the current available infrastructure, State system capacities, and the time for each State to process a civil or volunteer print from the time of capture to submission to the Federal Bureau of Investigation (FBI).

(2) The intent of the States concerning participation in a nationwide system of criminal background checks to provide information to qualified entities.

(3) The number of volunteers, employees, and other individuals that would require a fingerprint based criminal background check.

(4) The impact on the FBI’s Integrated Automated Fingerprint Identification System (IAFIS) in terms of capacity and impact on other users of the system, including the effect on FBI work practices and staffing levels.

(5) The current fees charged by the FBI, States and local agencies, and private companies to process fingerprints.

(6) The existence of “model” or best practice programs which could easily be expanded and duplicated in other States.

(7) The extent to which private companies are currently performing background checks and the possibility of using private companies in the future to perform any of the background check process, including, but not limited to, the capture and transmission of fingerprints and fitness determinations.

(8) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint based and other criminal background check system.

(9) Any other information deemed relevant by the Department of Justice.

(b) REPORT.—Based on the findings of the feasibility study, the Attorney General shall, not later than 120 days after the date of the enactment of this Act, submit to Congress a report, including recommendations, which may include a proposal for grants to the States to develop or improve programs to collect fingerprints and perform background checks on individuals that seek to volunteer with organizations that work with children, the elderly, or the disabled.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Texas (Mr. CARTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

The National Child Protection Act was enacted in 1993. It was followed by legislation to include this through the Volunteers for Children Act. These acts provided a process for background checks for volunteers to ensure that individuals who are allowed the privilege of working with our children have nothing but good intentions. But according to groups that depend on volunteers to work with children, this process is not working.

No one has been able to provide an explanation as to why the process has failed. There are a number of different factors which could be hampering the process, including the existing capacity or infrastructure of the FBI and the States to collect and process and share fingerprint background information and the cost to run such a program.

My amendment requests the Department of Justice to conduct a feasibility study to determine the extent of the

problem and requests the Department of Justice to propose a solution based on its findings.

The study will examine the current state of the fingerprint capture and processing at the State and local level, including the current available infrastructure, the State capacities, and time for each State to process a civil-volunteer print from the time of capture to submission to the FBI.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is a very necessary amendment, if I could just take a minute to explain why.

In 1993, the National Child Protection Act was passed to provide a process for background checks for volunteers. It did not get up and running.

Additional legislation to improve the process was enacted through the Volunteers for Children Act of 1998. It still is not up and running.

What the gentleman from Texas is proposing is to tell the Justice Department that they have 120 days to tell us why these programs are not up and running, what is needed to fix them, and to get on with the background check system so that those who do volunteer to work not only with children, but also the disabled and the elderly, can be checked out to see if altruism is not their sole motivation for working with these groups of people.

I think that this is a very good amendment, and I hope that it would be adopted.

Mr. SCOTT of Virginia. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, I would point out that this is going in the right direction. We need to work on this as quickly as possible, in this bill or outside of this bill. I think it is a good idea, and I am in support of the amendment.

Mr. CARTER. In light of the support of the chairman of the committee, I would like to conclude by saying that over the last 20 years I have tried over 100 of these cases, and last year I had a lady come up to me in a grocery store and told me about her child who was going to Colorado to testify in a case against a child sex molester who had molested him in a case that I tried back in 1985; and he was going to testify in the case that was now pending in Colorado. If this system had been up and in effect at that time, we would have been able to find that predator and prevent him from doing this again.

Mr. Chairman, I yield the remaining time to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I will submit my comments for the RECORD.

I rise to strongly support the Carter amendment. The gentleman from Texas (Mr. LAMPSON) and I both were authors in 1998 for the Volunteers for Children Act. It is working very successfully in Florida. The FDLA has told us it is one of the most aggressive

tools that they have to protect our children. I strongly support the gentleman's inquiry to Justice. I hope they will yield the important results that this is an enormously helpful program. So I support the gentleman's efforts.

Mr. Chairman, I rise today in support of my friend from Texas's amendment.

In 1993, Congress passed a critical safeguard for children—the National Child Protection Act, commonly known as the Oprah Winfrey Act. The law gave groups such as schools, day care facilities and youth volunteer organizations access to FBI fingerprinting checks to help ensure that they weren't inadvertently hiring convicted child molesters to tend their young charges.

But there was a hitch. Under the law, these national fingerprint-based checks are only available if states put into place laws approved by the U.S. Attorney General specifically allowing access to them. As a result, while nearly all states had laws providing background checks for various people, such as school personnel or day care workers, only about six had laws specifically giving nonprofit youth-serving organizations like the Boys and Girls Clubs access to do national fingerprint checks on would-be volunteers.

In 1998, I along with Congressman LAMPSON and Senator BIDEN introduced the Volunteers for Children Act which would allow youth-serving nonprofit organizations to request national fingerprint background checks in the absence of state laws providing such access. This bill, which has since been enacted into law, has only been followed by a few states.

The amendment my friend from Texas offers today will require the Department of Justice to conduct a study on the implementation of the Volunteers for Children Act by the states and to provide recommendations to Congress on how to improve state compliance.

In encourage all of my colleagues to vote for the amendment and I look forward to working with Chairman SENSENBRENNER and Chairman COBLE to once and for all fix this very important law.

Mr. CARTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Is there anyone seeking time in opposition to the amendment?

The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 108-48.

AMENDMENT NO. 6 OFFERED BY MR. LAMPSON

Mr. LAMPSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. LAMPSON:
Add at the end the following:

SEC. . 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 CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Texas (Mr. LAMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, I yield myself such time as I may consume.

For 2½ years I have stood on this floor almost every day talking about the issue of missing and exploited children, encouraging our colleagues to join us in developing legislation to help raise the level of awareness of this horrendous issue across the United States of America to higher and higher heights, and I am proud of the fact that we are here today discussing the legislation that we are.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. LAMPSON. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding.

This is also a very good amendment. It broadens the tools that law enforcement can use to track down missing children through better forensic investigation. I commend the gentleman from Texas for offering this amendment, and I hope that the committee adopts it.

Mr. LAMPSON. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his support.

It was about a decade ago, I guess, that Congress authorized the United States Secret Service to participate in a multi-agency task force for the purpose of providing resources, expertise, and other assistance to local law enforcement agencies and the National Center for Missing and Exploited Children in cases involving missing and exploited children. This began a very strong partnership between the Secret Service and the National Center for Missing and Exploited Children and resulted in the Secret Service providing critical forensic support, including polygraph examinations, handwriting examinations, fingerprint research and identification, age progressions and regressions, and audio and video enhancements to NCMEC and law enforcement in numerous missing children's cases.

However, there is a clear need to provide explicit statutory jurisdiction to the Secret Service to continue this forensic and investigative support upon request from local law enforcement and from the National Center for Missing and Exploited Children, and this amendment will do just that.

Ernie Allen, who is the President of the National Center, has strongly endorsed this legislation and has said the

following: "When the National Center was created, President Reagan envisioned a national clearinghouse that worked hand in hand with Federal and local law enforcement, the private sector, and the public, each playing a strong, diverse role in the effort to reunite families and better protect children. The United States Secret Service has played a key role in this effort, and we could not be more enthusiastic about their partnership with us."

Mr. Chairman, I think this is a good amendment. I appreciate very much the gentleman's speaking in favor of the amendment, the chairman of the committee; and I urge its adoption.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. LAMPSON. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, I want to enter my comments into the RECORD and commend the gentleman for this amendment. It is very, very important work.

Mr. Chairman, I rise today in support of my friend from Texas's amendment. For the past several years, as co-chairs of the Congressional Missing and Exploited Children's Caucus, we have worked diligently to provide the resources to law enforcement necessary to protect our children and this amendment is further proof of Mr. LAMPSON's commitment and service to that goal.

Nearly a decade ago, Congress authorized the U.S. Secret Service to participate in a multi-agency task force with the purpose of providing resources, expertise and other assistance to local law enforcement agencies and the National Center for Missing and Exploited Children (NCMEC) in cases involving missing and exploited children.

This began a strong partnership between the Secret Service and NCMEC, and resulted in the Secret Service providing critical forensic support—including polygraph examinations, handwriting examinations, fingerprint research and identification, age progressions/regressions and audio and video enhancements—to NCMEC and local law enforcement in numerous missing children cases.

However, there is a clear need to provide explicit statutory jurisdiction to the Secret Service to continue this forensic and investigative support upon request from local law enforcement or NCMEC.

This amendment will do just that and I encourage all of my colleagues today to join with me in voting for this important measure.

Mr. LAMPSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does anyone rise in opposition to the amendment?

The question is on the amendment offered by the gentleman from Texas (Mr. LAMPSON).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 7 printed in House Report 108-48.

AMENDMENT NO. 7 OFFERED BY MR. ACEVEDO-VILÁ

Mr. ACEVEDO-VILÁ. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ACEVEDO-VILÁ:

At the end of the bill, add the following:

TITLE IV—MISSING CHILDREN
PROCEDURES IN PUBLIC BUILDINGS

SEC. 401. SHORT TITLE.

This title may be cited as the "Code Adam Act".

SEC. 402. DEFINITIONS.

In this title, the following definitions apply:

(1) CHILD.—The term "child" means an individual who is 17 years of age or younger.

(2) CODE ADAM ALERT.—The term "Code Adam alert" means a set of procedures used in public buildings to alert employees and other users of the building that a child is missing.

(3) DESIGNATED AUTHORITY.—The term "designated authority" means—

(A) with respect to a public building owned or leased for use by an Executive agency—

(i) except as otherwise provided in this paragraph, the Administrator of General Services;

(ii) in the case of the John F. Kennedy Center for the Performing Arts, the Board of Trustees of the John F. Kennedy Center for the Performing Arts;

(iii) in the case of buildings under the jurisdiction, custody, and control of the Smithsonian Institution, the Board of Regents of the Smithsonian Institution; or

(iv) in the case of another public building for which an Executive agency has, by specific or general statutory authority, jurisdiction, custody, and control over the building, the head of that agency;

(B) with respect to a public building owned or leased for use by an establishment in the judicial branch of government, the Administrative Office of the United States Courts; and

(C) with respect to a public building owned or leased for use by an establishment in the legislative branch of government, the Capitol Police Board.

(4) EXECUTIVE AGENCY.—The term "Executive agency" has the same meaning such term has under section 105 of title 5, United States Code.

(5) FEDERAL AGENCY.—The term "Federal agency" means any Executive agency or any establishment in the legislative or judicial branches of the Government.

(6) PUBLIC BUILDING.—The term "public building" means any building (or portion thereof) owned or leased for use by a Federal agency.

SEC. 403. PROCEDURES IN PUBLIC BUILDINGS REGARDING A MISSING OR LOST CHILD.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the designated authority for a public building shall establish procedures for locating a child that is missing in the building.

(b) NOTIFICATION AND SEARCH PROCEDURES.—Procedures established under this section shall provide, at a minimum, for the following:

(1) Notifying security personnel that a child is missing.

(2) Obtaining a detailed description of the child, including name, age, eye and hair color, height, weight, clothing, and shoes.

(3) Issuing a Code Adam alert and providing a description of the child, using a fast and effective means of communication.

(4) Establishing a central point of contact.

(5) Monitoring all points of egress from the building while a Code Adam alert is in effect.

(6) Conducting a thorough search of the building.

(7) Contacting local law enforcement.

(8) Documenting the incident.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ.)

Mr. ACEVEDO-VILÁ. Mr. Chairman, I yield myself 3 minutes.

The amendment that I am offering today requires certain procedures be established and followed when a child is reported lost or missing in a Federal building. The purpose of this set of procedures, called Code Adam, is to prevent child abductions in Federal buildings. Code Adam has proven extremely successful in thwarting many attempted abductions through the issuance of a Code Adam Alert in commercial establishments.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. ACEVEDO-VILÁ. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I also believe that this is a very constructive amendment, and I commend the gentleman from Puerto Rico for offering it; and I hope that it is adopted.

Let me say that one of the first things I did when I came to Congress was I helped pass the Missing Children's Act which was in response to the abduction and gruesome murder of Adam Walsh, whose father, John Walsh, has obtained quite a bit of fame in being an advocate for missing and exploited children.

The Code Adam proposal has been very successful when privately implemented in Wal-Mart stores around the country, and I think that having a Code Adam alert system in place nationwide for all public buildings will significantly improve the chance of recovering children who might be abducted in a shopping mall or some other public building. I think the gentleman from Puerto Rico has done the children of this country a great service by offering this amendment, and I hope that it is adopted.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary. I appreciate his support for this amendment.

As the chairman said, this was created by Wal-Mart in 1994 as a private initiative, and it has become one of the country's largest child safety programs.

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With the help of the National Center for Missing and Exploited Children that also is supporting my amendment, over 36,000 stores across the United States have already used it successfully. Code Adam, as the chairman just mentioned, is named in memory of 6-year-old Adam Walsh, whose abduction from a Florida shopping mall and murder in 1981 brought the horror of child abduction to national attention.

I ask for Members' support for this bipartisan amendment. Its enactment will complement existing security procedures and others being considered in this bill, including the AMBER Alert, in order to guarantee immediate preventive action against successful child abductions.

Effective procedures required by this amendment include notification of security personnel that a child is missing, issuance of a Code Adam alert, and distribution of the child's description to all employees using fast and effective means of communication.

It also provides that all points of egress must be monitored while the Code Adam alert is in effect and the local law enforcement be notified if the child remains missing after all established procedures are followed.

I am very proud to say that Puerto Rico has already enacted a law adopting Code Adam in its government buildings. With the adoption of this amendment, all Federal buildings will also establish Code Adam to ensure that we are prepared to respond quickly if a child is reported missing.

Mr. Chairman, I urge my colleagues to vote yes on the Code Adam amendment. Let us draw from the success achieved in stores across the country and adopt it in Federal buildings, those that belong to the people of the United States, and where all of us, but especially our children, should be safest.

Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, last year I joined my colleague, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ), and Senator HILLARY RODHAM CLINTON to introduce the Code Adam Act. Code Adam is a proven, successful program that has saved lives in the retail environment, and it is time that we bring that same measure of safety to children in Federal buildings, just as we have done with the effort to put bulletin boards throughout all Federal buildings and display the pictures of missing children.

Code Adam was created, as we have already heard, by Wal-Mart as a special alert through a store's customer address system when a customer reports a missing child. Since Code Adam began in 1994, it has been a powerful tool against child abductions and lost children in more than 25,000 stores across the Nation.

This amendment would require the implementation of this protocol in all Federal buildings. Wal-Mart started this fantastic program in the name of Adam Walsh, John Walsh's son, who was abducted and murdered in Florida over 20 years ago.

Every day I see children walking through the halls of Congress and in Federal buildings back at home in Texas. God forbid, if a child would go missing in one of these buildings, this amendment would make sure a plan was in place to secure that building and find the child before something tragic occurs.

Mr. FOLEY. Mr. Chairman, I rise today in support of my friend from Puerto Rico's amendment.

Code Adam, one of the country's largest child-safety programs, was created and promoted by the Wal-Mart retail stores and named in memory of 6-year-old Adam Walsh whose abduction from a Florida shopping mall and murder in 1981 brought the horror of child abduction to national attention.

When a customer reports a missing child to a store employee, a "Code Adam" alert is announced over the public-address system. A brief description of the child is obtained and provided to all designated employees who immediately stop their normal work to search for the child, and monitor all exits to help prevent the child from leaving the store.

If the child is not found within 10 minutes of initiating a store-wide search, or if the child is seen accompanied by someone other than a parent or guardian, store personnel contact the local police department and request assistance.

Since the Code Adam program began in 1994, it has been a powerful preventive tool against child abductions and lost children in more than 36,000 stores across the nation.

Despite its success, however, the only jurisdiction that has adopted Code Adam for government buildings is Puerto Rico.

This amendment will direct each federal building (including here on Capitol Hill) to establish a Code Adam program and procedures for locating a child who is missing in a federal building.

As co-chair of the Congressional Missing and Exploited Children's Caucus, I urge all of my colleagues to vote for this very important amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, as the Chairman of the Government Reform Committee, which has jurisdiction over federal buildings, including buildings owned or leased by the U.S. Postal Service, I rise in support of the Acevedo-Vilá amendment.

My Committee did not have the opportunity to examine this proposal before its consideration here on the floor as an amendment to the Child Abduction Prevention Act. Nevertheless, since the underlying intent of this legislation is to not only return abducted children to their parents, which we do through the national AMBER Alert network, but to keep them from being abducted in the first place, I believe establishing procedures to locate missing children in public buildings is a positive step.

This time of year, we all see the large numbers of children that come to our nation's capital to visit the Smithsonian Museums, the monuments, or to see the cherry blossoms. It makes sense for our public facilities to have an established system to help keep these children from either wandering away on their own or being taken away by a kidnapper.

Every parent knows the heart-stopping panic that ensues when a child suddenly is nowhere to be found. Having a "Code Adam alert" system in place gives parents the peace of mind of knowing their children can be returned to them quickly and safely. I urge my colleagues to give it their support.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Does any Member seek time in opposition?

The question is on the amendment offered by the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 8 printed in House Report 108-48.

AMENDMENT NO. 8 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of amendment No. 8 is as follows:

Amendment No. 8 offered by Mr. SMITH of Texas:

Add at the end the following:

TITLE —

SEC. 01. FINDINGS.

Congress finds the following:

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under *Miller v. California*, 413 U.S. 15 (1973) (obscenity), or *New York v. Ferber*, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. "The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance," *New York v. Ferber*, 458 U.S. 747, 757 (1982), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. *Osborne v. Ohio*, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. "The most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product." *Ferber*, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided *Ferber*, the technology did not exist to:

(A) computer generate depictions of children that are indistinguishable from depictions of real children;

(B) use parts of images of real children to create a composite image that is unidentifiable as a particular child and in a way that prevents even an expert from concluding that parts of images of real children were used; or

(C) disguise pictures of real children being abused by making the image look computer-generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer-generated. The technology will soon exist, if it does not already, to computer generate realistic images of children.

(6) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and/or related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse of real children. Nevertheless, technological advances since *Ferber* have led many criminal defendants to suggest that the images of child pornography they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges increased significantly after the decision in *Ashcroft v. Free Speech Coalition* 535 U.S. 234 (2002).

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic assessment may depend on the quality of the image scanned and the tools used to scan it.

(9) The impact of the Free Speech Coalition decision on the Government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in Free Speech Coalition. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) Since the Supreme Court's decision in Free Speech Coalition, defendants in child pornography cases have almost universally raised the contention that the images in question could be virtual, thereby requiring the government, in nearly every child pornography prosecution, to find proof that the child is real. Some of these defense efforts have already been successful. In addition, the number of prosecutions being brought has been significantly and adversely affected as the resources required to be dedicated to each child pornography case now are significantly higher than ever before.

(11) Leading experts agree that, to the extent that the technology exists to computer generate realistic images of child pornography, the cost in terms of time, money, and expertise is—and for the foreseeable future will remain—prohibitively expensive. As a result, for the foreseeable future, it will be more cost-effective to produce child pornography using real children. It will not, however, be difficult or expensive to use readily available technology to disguise those depictions of real children to make them unidentifiable or to make them appear computer-generated.

(12) Child pornography results from the abuse of real children by sex offenders; the production of child pornography is a byproduct of, and not the primary reason for, the sexual abuse of children. There is no evidence that the future development of easy and inexpensive means of computer generating realistic images of children would stop or even reduce the sexual abuse of real children or the practice of visually recording that abuse.

(13) In the absence of congressional action, the difficulties in enforcing the child pornography laws will continue to grow increasingly worse. The mere prospect that the technology exists to create composite or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution; for it threatens to create a reasonable doubt

in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable. Moreover, imposing an additional requirement that the Government provide beyond a reasonable doubt that the defendant knew that the image was in fact a real child—as some courts have done—threatens to result in the de facto legalization of the possession, receipt, and distribution of child pornography for all except the original producers of the material.

(14) To avoid this grave threat to the Government's unquestioned compelling interest in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

(15) The Supreme Court's 1982 *Feber v. New York* decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary now to ensure that open and notorious trafficking in such materials does not reappear, and even increase, on the Internet.

SEC. 02. IMPROVEMENTS TO PROHIBITION ON VIRTUAL CHILD PORNOGRAPHY.

(a) Section 2256(8)(B) of title 18, United States Code, is amended to read as follows:

“(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or in indistinguishable (as defined in section 1466A) from, that of a minor engaging in sexually explicit conduct; or”.

(b) Section 2256(2) of title 19, United States Code, is amended to read as follows:

“(2)(A) Except as provided in subparagraph (B), ‘sexually explicit conduct’ means actual or simulated—

“(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

“(ii) bestiality;

“(iii) masturbation;

“(iv) sadistic or masochistic abuses; or

“(v) lascivious exhibition of the genitals or pubic area of any person;

“(B) For purposes of subsection 8(B) of this section, ‘sexually explicit conduct’ means—

“(i) graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

“(ii) graphic or lascivious simulated;

“(I) bestiality;

“(II) masturbation; or

“(III) sadistic or masochistic abuse; or

“(iii) graphic or simulated lascivious exhibition of the genitals or pubic area of any person;”.

(c) Section 2256 is amended—

(1) in paragraph 8(D), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; and”; and

(3) by inserting at the end the following new paragraph:

“(10) ‘graphic’, when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.”.

(d) Section 2252A(c) of title 18, United States Code, is amended to read as follows:

“(c)(1) Except as provided in paragraph (2), it shall be an affirmative defense to a charge of violating this section that the production of the alleged child pornography did not involve the use of a minor or an attempt or

conspiracy to commit an offense under this section involving such use.

“(2) A violation of, or an attempt or conspiracy to violate, this section which involves child pornography as defined in section 2256(8)(A) or (C) shall be punishable without regard to the affirmative defense set forth in paragraph (1).”.

SEC. 03. PROHIBITION ON PANDERING MATERIALS AS CHILD PORNOGRAPHY.

(a) Section 2256(8) of title 18, United States Code, is amended—

(1) in subparagraph (C), by striking “or” at the end and inserting “and”; and

(2) by striking subparagraph (D).

(b) Chapter 110 of title 18, United States Code, is amended—

(1) by inserting after section 2252A the following:

“§ 2252B. Pandering and solicitation

“(a) Whoever, in a circumstance described in subsection (d), offers, agrees, attempts, or conspires to provide or sell a visual depiction to another, and who in connection therewith knowingly advertises, promotes, presents, or describes the visual depiction with the intent to cause any person to believe that the material is, or contains, a visual depiction of an actual minor engaging in sexually explicit conduct shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

“(b) Whoever, in a circumstance described in subsection (d), offers, agrees, attempts, or conspires to receive or purchase from another a visual depiction that he believes to be, or to contain, a visual depiction of an actual minor engaging in sexually explicit conduct shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

“(c) It is not a required element of any offense under this section that any person actually provide, sell, receive, purchase, possess, or produce any visual depiction.

“(d) The circumstance referred to in subsection (a) and (b) is that—

“(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

“(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

“(3) any person who travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

“(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

“(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.”; and

(2) in the table of sections at the beginning of the chapter, by inserting after the item relating to section 2252A the following:

“2252B. Pandering and solicitation.”.

SEC. 04. PROHIBITION OF OBSCENITY DEPICTING YOUNG CHILDREN.

(a) Chapter 71 of title 18, United States Code, is amended—

(1) by inserting after section 1466 the following:

“§ 1466A. Obscene visual depictions of young children

“(a) Whoever, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute a visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

“(b) Whoever, in a circumstance described in subsection (d), knowingly possesses a visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

“(c) For purposes of this section—
“(1) the term ‘visual depiction’ includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image, and also includes any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means;

“(2) the term ‘pre-pubescent child’ means that (A) the child, as depicted, is one whose physical development indicates the child is 12 years of age or younger; or (B) the child, as depicted, does not exhibit significant pubescent physical or sexual maturation. Factors that may be considered in determining significant pubescent physical maturation include body habitus and musculature, height and weight proportion, degree of hair distribution over the body, extremity proportion with respect to the torso, and dentition. Factors that may be considered in determining significant pubescent sexual maturation include breast development, presence of axillary hair, pubic hair distribution, and visual growth of the sexual organs;

“(3) the term ‘sexually explicit conduct’ has the meaning set forth in section 2256(2); and

“(4) the term ‘indistinguishable’ used with respect to a depiction, means virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. This definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.

“(d) The circumstance referred to in subsections (a) and (b) is that—

“(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means of instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

“(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

“(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

“(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign com-

merce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means; include by computer; or

“(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

“(e) In a case under subsection (b), it is an affirmative defense that the defendant—

“(1) possessed less than three such images; and

“(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

“(A) took reasonable steps to destroy each such image; or

“(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.

“§ 1466B. Obscene visual representations of sexual abuse of minors

“(a) Whoever, in a circumstance described in subsection (e), knowingly produces, distributes, receives, or possesses with intent to distribute a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

“(1) depicts a minor engaging in sexually explicit conduct; and

“(2) is obscene;

or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

“(b) Whoever, in a circumstance described in subsection (e), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

“(1) depicts a minor child engaging in sexually explicit conduct, and

“(2) is obscene,

or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

“(c) It is not a required element of any offense under this section that the minor child depicted actually exist.

“(d) For purposes of this section, the terms ‘visual depiction’ has the meaning given that term in section 1466A, and the terms ‘sexually explicit conduct’ and ‘minor’ have the meanings given those terms in section 2256(2)(B).

“(e) The circumstance referred to in subsection (a) and (b) is that—

“(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means of instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

“(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

“(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

“(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

“(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

“(f) In a case under subsection (b), it is an affirmative defense that the defendant—

“(1) possessed less than three such images; and

“(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

“(A) took reasonable steps to destroy each such image; or

“(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.”; and

(2) in table of sections at the beginning of the chapter, by inserting after the item relating to section 1466 the following new items:

“1466A. Obscene visual depictions of young children.

“1466B. Obscene visual representations of pre-pubescent sexual abuse”.

(b)(1) Except as provided in paragraph (2), the applicable category of offense to be used in determining the sentencing range referred to in section 3553(a)(4) of title 18, United States Code, with respect to any person convicted under section 1466A or 1466B of such title, shall be the category of offenses described in section 2G2.2 of the Sentencing Guidelines.

(2) The Sentencing Commission may promulgate guidelines specifically governing offenses under sections 1466A and 1466B of title 18, United States Code, provided that such guidelines shall not result in sentencing ranges that are lower than those that would have applied under paragraph (1).

SEC. 05. PROHIBITION ON USE OF MATERIALS TO FACILITATE OFFENSES AGAINST MINORS.

Chapter 71 of title 18, United States Code, is amended—

(1) by inserting at the end the following:

“§ 1471. Use of obscene material or child pornography to facilitate offenses against minors

“(a) Whoever, in any circumstance described in subsection (c), knowingly—

“(1) provides or shows to a person below the age of 16 years any visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, any obscene matter, or any child pornography; or

“(2) provides or shows any obscene matter or child pornography, or any visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or provides any other material assistance to any person in connection with any conduct, or any attempt, incitement, solicitation, or conspiracy to engage in any conduct, that involves a minor and that violates chapter 109A, 110, or 117, or that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction of the United States,

shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

“(b) For purposes of this section—

“(1) the term ‘child pornography’ has the meaning set forth in section 2256(8);

“(2) the terms ‘visual depiction’, ‘pre-pubescent child’, and ‘indistinguishable’ have the meanings respectively set forth for those terms in section 1466A(c); and

“(3) the term ‘sexually explicit conduct’ has the meaning set forth in section 2256(2).

“(c) The circumstance referred to in subsection (a) is that—

“(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in

interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

"(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction or obscene matter by the mail, or in interstate or foreign commerce by any means, including by computer;

"(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

"(4) any visual depiction or obscene matter involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

"(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.";

"(2) in the table of sections at the beginning of the chapter, by inserting at the end the following:

"1471. Use of obscene material or child pornography to facilitate offenses against minors."

SEC. 06. EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.

Section 2251 is amended—

(1) by striking "subsection (d)" each place it appears in subsections (a), (b), and (c) and inserting "subsection (e)";

"(2) by redesignating subsections (c) and (d), respectively, as subsections (d) and (e); and

"(3) by inserting after subsection (b) a new subsection (c) as follows:

"(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its possessions and Territories, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

"(2) The circumstances referred to in paragraph (1) is that—

"(A) the person intends such visual depiction to be transported to the United States, its possessions, or territories, by any means including by computer or mail, or

"(B) the person transports such visual depiction to, or otherwise makes it available within, the United States, its possessions, or territories, by any means including by computer or mail."

SEC. 07. STRENGTHENING ENHANCED PENALTIES FOR REPEAT OFFENDERS.

Sections 2251(e) (as redesignated by section 06(2)), 2252(b), and 2252A(b) of title 18, United States Code, are each amended—

(1) by inserting "chapter 71," immediately before each occurrence of "chapter 109A,"; and

(2) by inserting "or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice)," immediately before each occurrence of "or under the laws".

SEC. 08. SERVICE PROVIDER REPORTING OF CHILD PORNOGRAPHY AND RELATED INFORMATION.

(a) Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) in subsection (b)(1)—

(A) by inserting "2252B," after "2252A,"; and

(B) by inserting "or a violation of section 1466A or 1466B of that title," after "of that title,";

(2) in subsection (c), by inserting "or pursuant to" after "to comply with";

(3) by amending subsection (f)(1)(D) to read as follows:

"(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.";

(4) by redesignating paragraph (3) of subsection (b) as paragraph (4); and

(5) by inserting after paragraph (2) of subsection (b) the following new paragraph:

"(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2), the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law."

(b) Section 2702 of title 18, United States Code is amended—

(1) in subsection (b)—

(A) in paragraph (6)—

(i) by inserting "or" at the end of subparagraph (A)(ii);

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(B) by redesignating paragraph (6) as paragraph (7);

(C) by striking "or" at the end of paragraph (5); and

(D) by inserting after paragraph (5) the following new paragraph:

"(6) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or"; and

(2) in subsection (c)—

(A) by striking "or" at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by adding after paragraph (4) the following new paragraph:

"(5) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or".

SEC. 09. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

SEC. 10. INVESTIGATIVE AUTHORITY RELATING TO CHILD PORNOGRAPHY.

Section 3486(A)(1)(C)(i) of title 18, United States Code, is amended by striking "the name, address" and all that follows through "subscriber or customer utilized" and inserting "the information specified in section 2703(c)(2)".

SEC. 11. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting "1466A, 1466B," before "2251".

SEC. 12. 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 Depart-

ment 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.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Texas (Mr. SMITH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I support this amendment as an important step to stop the exploitation of our children. This amendment is directly connected to the abduction of children, since children are abducted and sold into the sex industry for both pornography and for prostitution.

The amendment addresses growing challenges to the government's ability to prosecute child pornographers. It also includes a provision to address child pornography that is produced overseas to be distributed in the United States. The exploitation of any child is unacceptable, and the United States must take affirmative steps to prevent this exploitation wherever it occurs.

The amendment is essentially the same as the Child Obscenity and Pornography Prevention Act, which passed the House in the last Congress by a vote of 413 to 8. This legislation had strong bipartisan support. Congress understood then what has become even more clear now, that this legislation ensures the enforceability of existing child pornography laws.

During the 1990s, advances in computer technology threatened the government's ability to protect real children. Congress attempted to address this concern in 1996 with the Child Pornography Prevention Act, parts of which were subsequently struck down by the Supreme Court in the Free Speech Coalition decision.

Regardless of whether we agree or disagree with the court's decision, we must now deal with its consequences. Since that decision, defendants in child pornography cases have routinely claimed that the depictions of child pornography could be virtual, thus requiring the government to prove first that the depicted image is a real person.

The mere existence of computer technology that creates virtual depictions which are indistinguishable from depictions of actual children allows defendants who possess images of real children to escape prosecution. This Congress has an obligation to correct this absurd permutation in the law.

Given the prevalence of the Internet, we absolutely cannot protect our children if prosecutors must first complete

the almost impossible task of identifying the children depicted in child pornography. Unless this amendment is adopted, the Supreme Court's decision will effectively legalize all child pornography by throwing an insurmountable burden in the face of the prosecution.

I urge my colleagues to support this critical amendment.

Mr. SMITH of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I seek time in opposition.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. SCOTT) is recognized for 10 minutes in opposition.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is designed as a fix for last year's decision in Ashcroft versus Free Speech Coalition. The problem with the amendment is that it has the same problems as the law that was struck down. The Ashcroft case held that sale or possession of non-obscene computer-generated material depicting child-like characters engaged in explicit sexual activities does not constitute a crime. This bill says it is a crime, just like the law that was struck down.

Child pornography and object are despicable and illegal and can and are banned and prosecuted. These crimes and their severe punishments are left intact by the Ashcroft decision. What the court struck down was the criminalization of computer-generated and other depictions of children, which is not obscene, in undesirable, including sexual, situations where no child was actually involved in making the material.

We all see pornography as despicable, period. But under our laws, pornography that is not obscene and does not involve real children is just that, pornography. Whether we like it or not, the Supreme Court has told us that pornography is not illegal. It is a category of speech that is despicable but not illegal.

While pornography is legal, child pornography is illegal. But to constitute child pornography, the Supreme Court has told us that a child has to be involved in the production. Virtual computer-generated images, therefore, unless they are obscene, are not illegal.

The law called into question in Ashcroft was a law enacted in 1996. The problem the court found with the law was that, while it prohibited images that constituted child pornography, it also prohibited images that did not constitute child pornography, because actual children were not involved in the production.

The court made it clear that protected speech may not be banned as a means to ban unprotected speech. This would turn the first amendment upside down.

Proponents of the bill believe that the court left intact or left open the question of whether government can

establish a sufficiently compelling State interest to justify criminalization of computer-generated images that are not obscene and do not involve real children. However, the court cited in its decision New York versus Ferber from 1992 when it said, virtual images record no crime and creates no victims by its production and therefore are legal.

Proponents also argue that the court did not consider the harm to real children which would occur when, through technological advances, it will become difficult to tell real children from virtual children, thereby allowing real children to be harmed because the government cannot tell the difference for the purpose of bringing prosecution.

But the court did clearly consider that, and stated, and I quote from the decision, "The government next argues that its objective of eliminating the market for pornography produced using real children necessitates a prohibition on virtual images as well. Virtual images, the government contends, are indistinguishable from the real ones. They are part of the same market and often exchanged. In this way, it is said virtual images promote the trafficking in works produced through the exploitation of real children."

But then the court says, and I continue quoting, "The hypothesis is somewhat implausible. If virtual images are identical to illegal child pornography, the illegal images will be driven from the market by indistinguishable substitutes. Few pornographers would risk prosecution by abusing real children if fictional computer-generated images would suffice."

Nor was the court persuaded by the argument that virtual images will make it difficult for the government to prosecute cases. As to that concern, the court said, "Finally, the government says that the possibility of producing images by using computer imaging makes it difficult for it to prosecute those who produce pornography using real children. Experts, we are told, may have difficulty in saying whether the pictures were made using real children or by using computer imaging. The necessary solution, the argument runs, is to prohibit both kinds of images."

"The argument," the court said, "in essence is that protected speech may be banned as a means to ban unprotected speech. This analysis turns the first amendment upside down. The government may not suppress lawful speech as a means to suppress unlawful speech."

Finally, Mr. Chairman, the government suggests that because the court determined that it did not decide whether an affirmative defense could save an otherwise unconstitutional law, it left open that possibility. That may be technically true, but listen to what the court said: "In order to force this objection, the government would have us read the CPPA as not a measure suppressing speech but as a law

shifting the burden to the accused to prove the speech is lawful. In this connection, the government relies on an affirmative defense under the statute which allows a defendant to avoid conviction for nonpossession offenses by showing that the materials were produced using only adults and were not otherwise distributed in a manner conveying the impression that they depicted real children.

"The government raises serious constitutional difficulties by seeking to impose on the defendant the burden of proving his speech was not unlawful. The affirmative defense applies only after the prosecution has begun, and the speaker must himself prove, on the pain of felony conviction, that his conduct falls within the affirmative defense.

"In cases under the CPPA, the evidentiary burden is not trivial. Where the defendant is not the producer of the work, he may have no way of establishing the identity or even the existence of the actors. If the evidentiary issue is a serious problem for the government, as it asserts, it will be at least as difficult for the innocent possessor."

This statute, however, Mr. Chairman, by its very words, makes illegal what the court said was legal. Five Justices joined in the majority opinion. One concurred, one concurred in part and dissented in part, two dissented.

With five Justices, all of whom are still on the court, agreeing with the whole decision and only three dissenting in any part at all, this is not a close decision with wavering members.

So, Mr. Chairman, I think we should avoid the necessity of the court's telling us again that we cannot prosecute child pornography unless real children were, in fact, involved in the production of the material or unless they are otherwise legally obscene.

Finally, Mr. Chairman, we should note the subsequent action in the Ashcroft case. The trial court on February 7, just a few weeks ago, ordered attorney's fees to the plaintiff on the grounds that the government's defense of the statute was not substantially justified. This is essentially the same statute. It says that virtual child images can be made illegal. The court has said that virtual images cannot be made illegal. Those of us who are familiar with our system of government recognize that the same ruling by the same Supreme Court will find this bill unconstitutional and unenforceable; and, therefore, the amendment should be opposed.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment addresses the April 16, 2002, Supreme Court decision in Ashcroft versus Free

Speech Coalition. That decision struck down in 1996 a law written to combat computer-generated pornography because it was too broad.

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The overturning of this law to combat child pornography has emboldened those who would have used children. Regrettably, the prediction of the president of the National Center for Missing and Exploited Children has come true. He said, "The court's decision will result in the proliferation of child pornography in America unlike anything we have seen in more than 20 years."

A Government Accounting Office report just 2 weeks ago found that in the weight of the Supreme Court decision, child pornographers now are increasing their presence on the Internet and are engaging in their depraved actions with relative ease. The Internet has proved a useful tool for pedophiles and sex predators as they distribute child pornography, engage in sexually explicit conversations with children, and hunt for victims in chat rooms.

Every parent should know what their children see and do online. Unfortunately, the new playground for child pornographers is the Internet.

Our children are the most vulnerable among us, and we need to protect them. If this amendment becomes law, child pornographers will be a mere click away from a lengthy prison sentence. This amendment increases penalties and provides prosecutors with the tools they need to win convictions against child pornographers, and it responds to the Supreme Court's constitutional concerns by narrowing the definition of child pornography and includes an affirmative defense when real children are not depicted.

This amendment passed the House as separate legislation last year by a vote of 413 to 8, but the Senate failed to act. I hope my colleagues again will support the provisions in this amendment which will reduce child pornography on the Internet.

Mr. Chairman, I insert for the RECORD the analysis of the constitutionality of this legislation.

CONSTITUTIONAL ANALYSIS OF THE SMITH AMENDMENT TO H.R. 1104—THE "CHILD OBSCENITY AND PORNOGRAPHY PREVENTION ACT"

On April 16, 2002, the Supreme Court in *Ashcroft v. Free Speech Coalition*, held that two of Federal definitions of child pornography unconstitutional. §18 U.S.C. §2256(8)(B), defined child pornography to include wholly computer generated pictures that appear to be of a minor engaging in sexually explicit conduct. §18 U.S.C. §2256(8)(D), defined child pornography to include a visual depiction where it is advertised, promoted, or presented, to convey the impression that the material contains a visual depiction of a minor engaging in sexually explicit conduct.

The Court's decision does not bar Congress from outlawing virtual child pornography when the prohibition is narrowly drawn to promote a compelling government interest. In fact, the Court in its opinion, expressly left that option open for Congress. The Court

stated: "We need not decide, however, whether the Government could impose this burden on a speaker. Even if an affirmative defense can save a statute from First Amendment challenge, here the defense is incomplete and insufficient, even on its own terms." Justice Thomas, concurring, stated that the "Court does leave open the possibility that a more complete affirmative defense could save a statute's constitutionality, see ante, at 1405, implicitly accepting that some regulation of virtual child pornography might be constitutional." No member of the Court took exception with his conclusion.

Congress clearly has a compelling interest to protect children from sexual exploitation. That interest extends to the prosecution of those who exploit children. These prosecutions are seriously threatened by the mere possibility that technology exists to create a depiction of a virtual child. This possibility allows those who harm real children to claim that the child pornography they possess does not contain real children.

Computer technology already exists today to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer generated. Furthermore, evidence was presented to the Congress that the technology may already exist to depict virtual children to look real and completely indistinguishable.

Compounding the problem, is the fact that the vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, or related media and that a computer image seized from a child pornographer is rarely a first-generation product. These pictures are e-mailed over and over again or scanned in from photographs of real children being abused and exploited. The transmission of images over an e-mail system can alter the image and make it impossible even for an expert to know whether or not a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic delineation may depend on the quality of the image scanned and the tools used to scan it.

To prove a child is real will require identifying the actual child. This is usually an impossible task. The quandary is that while there is no substantial evidence that any of the child pornography images being trafficked today were made in any other way than by the abuse of real children, technological advances are leading many criminal defendants to suggest otherwise. These defendants are claiming that the images they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. This is not a new defense, but without a narrowly drafted statute intended to prohibit the use of virtual child pornography that an ordinary person viewing the depiction could not distinguish from a depiction of a real child, it will be impossible for the government to prosecute child pornography cases involving computer images. Some in the Court are cognizant that technology may threaten the Government's compelling state interest of effective prosecution of those who sexually exploit children and thus threaten the Government's ability to protect children.

A representative from the Department of Justice testified:

As Justice Thomas noted in his concurring opinion, "if technological advances thwart prosecution of 'unlawful speech,' the Government may well have a compelling interest in barring or otherwise regulating some narrow category of 'lawful speech' in order to enforce effectively laws against pornography

made through the abuse of real children." 122 S. Ct. at 1406-07 (Thomas, J., concurring in the judgment). Similarly, Justice O'Connor noted in her opinion concurring in part and dissenting in part that, "given the rapid pace of advances in computer-graphics technology, the Government's concern is reasonable." Id. at 1409. Moreover, to avert serious harms, Congress may rely on reasonable predictive judgments, even when legislating in an area implicating freedom of speech. See *Turner Broad. Sys. Inc. v. FCC* 520 U.S. 180, 210-11 (1997). We believe that Congress has a strong basis for concluding that the very existence of sexually explicit computer images that are virtually indistinguishable from images of real minors engaged in sexually explicit conduct poses a serious danger to future prosecutions involving child pornography. Indeed, we already have some sense of the impact of the Court's decision. The Ninth Circuit had invalidated the same provisions of law in 1999, and all accounts indicate that the number and scope of child pornography prosecutions brought by our prosecutors in the Ninth Circuit has been adversely impacted.

Since the Supreme Court's decision in *Free Speech Coalition*, evidence of this growing threat is clear as defendants in almost every child pornography case contend that the depictions could be virtual, requiring the prosecutors to prove that the children depicted are real. Some of the defense efforts are succeeding. For example, after *Free Speech Coalition*, a court granted the defendant's motion to withdraw a guilty plea and held that the government must prove beyond a reasonable doubt that the defendant knew that the images depicted real children.

Moreover, the existence of computer generated images of child pornography that is indistinguishable from depictions of real children will bolster the child pornography market and those who abuse children to produce such pictures. The majority opinion in *Free speech Coalition* stated, in dicta, that "if virtual images were identical to illegal child pornography, the illegal images would be driven from the market by the indistinguishable substitutes." Contrary to that belief, the President and CEO of NCMEC "believe[s] that the Court's decision will result in the proliferation of child pornography in America, unlike anything we have seen in more than twenty years." He concluded that "as a result of the Court's decision, thousands of children will be sexually victimized, most of whom will not report the offense."

The Court stated that "[f]ew pornographers would risk prosecution by abusing real children if fictional, computerized images would suffice." This conclusion is simply wrong. The individuals who produce, trade, and exchange child pornography are rarely profit motivated. Pictures of abuse of real children are sold, but they are also traded and displayed—they are trophies and signs of validation for deviant behavior.

While the Supreme Court has certainly opened the door for the adult entertainment industry to enter the child pornography market, legalizing virtual child pornography will not reduce the market for real children. Rather, the result will be a market that contains both real and virtual children (as it does now). The only difference is that now child molesters will be able to hide their abuse with altered or merely e-mailed photographs of their victims and the market will no longer be underground but will return to the public "adult book stores."

Child pornography—virtual or otherwise—is detrimental to the nation's most precious and vulnerable asset, our children. Regardless of the method of its production, child pornography is used to promote and incite deviant and dangerous behavior in our society. As the President and CEO of the NCMEC

testified "there is compelling evidence that visual depictions of sexually explicit conduct involving children cause real physical, emotional and psychological damage not only to depicted children but also to non-depicted children. It is just as insidious, whether it is a photographic record of a child's actual victimization, or a photographic depiction used as a tool or device to subsequently victimize other children."

Sex predators produce, trade, and use child pornography for several insidious purposes. Pedophiles not only like to create a permanent record for arousal and gratification, but also like to trade these pictures with other pedophiles to validate their actions. Additionally, sex offenders use child pornography to lower children's inhibitions to make them believe that such behavior is acceptable and normal. There are also those who sell it for profit.

Prior to 1982, child pornography lined the shelves of many "adult" entertainment stores. This changed after the 1982 Supreme Court's *New York v. Ferber* decision that found child pornography was not entitled to First Amendment protection. In *Ferber*, the Court found that: "[i]t is evident beyond the need for elaboration that a State's interest in 'safeguarding the physical and psychological well-being of a minor' is 'compelling.'" Further the Court found that: "[t]he distribution of photographs and films depicting sexual activity by juveniles is intrinsically related to the sexual abuse of children in at least two ways. First, the material produced are a permanent record of the children's participation and the harm to the child is exacerbated by their circulation. Second, the distribution network for child pornography must be closed if the production of material which requires the sexual exploitation of children is to be effectively controlled."

While child pornography disappeared from bookstores following *Ferber*, it did not disappear from existence." The child pornography market merely went underground, but this underground market was spurred by the advent of the Internet. Nevertheless, law enforcement had begun to make enormous strides in the enforcement and prosecution of child pornography crimes.

Again, the Government has a compelling state interest in protecting children from those who sexually exploit them including both child molesters and child pornographers. The Supreme Court in *New York v. Ferber*, concluded that "[t]he prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance." In *Osborne v. Ohio*, the Court recognized that this compelling state interest extends to stamping out the vice of child pornography "at all levels in the distribution chain."

It follows that the Government has a compelling interest to ensure that the criminal prohibitions against child pornography remain enforceable and effective. As the Court stated in *Ferber*, "[t]he most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product."

It became apparent in the 1990's that advances in technology threatened the Government's compelling state interest in protecting real children through the effective prosecution of the child pornography laws that cover the visual depictions of real children. In 1996, the Congress attempted to address this concern with the Child Pornography Prevention Act. The 1996 language included a prohibition of any virtual depictions as well as pictures of youthful-looking adults. The Supreme Court found the 1996

statutory language overbroad, and therefore, unconstitutional.

This legislation is constitutional as it narrows the definition in significant ways and strengthens the affirmative defense. Furthermore, there is a compelling state interest for the narrowly drawn prohibition. The Government's compelling state interest is to protect children from exploitation. And the protection includes the prosecution of those who would or do exploit children. The Court gave the Congress an opportunity to address its concerns, and the Congress has an obligation to do so.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me the time.

I have the greatest respect for the legal skill of my friend and colleague from Virginia. I disagree with his take on this particular amendment, however. I am a cosponsor of the legislation represented by the amendment and am pleased today to speak for its passage.

I want to commend, in particular, the gentleman from Texas (Mr. SMITH), who in an exemplary bipartisan manner worked to build this legislation, crafted around a very careful reading of the Supreme Court ruling, a reference by the gentleman from Virginia (Mr. SCOTT), and then forged the legislative response that will withstand Supreme Court review.

This is not an exercise of making a statement only to be followed by the inevitable Supreme Court ruling throwing out the legislation. This one is written to withstand review to answer the constitutional objections raised about the earlier legislation, and it comes at a critical point in time for our country.

The Internet, as this wonderful new technology is changing so many things, has had the unfortunate effect of enabling child pornographers beyond ever before, at the very time when we have computer technology being used in the creation and dissemination of graphic, completely unacceptable child pornography. The legislation responds to that, includes several different components that go beyond any component of what might be in a free-speech argument, banning the use by an adult to a minor, the exchange of this material over the Internet, commonly used as part of an enticement procedure by perpetrators of those who would exploit children and lure them into contact.

It creates a per se definition that explicit sexual acts depicted between very young children is per se obscene. I believe this will make a very useful contribution to our judges as they evaluate the unseemly cases brought before them.

This is an important amendment. I urge its adoption.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from North Dakota (Mr. POMEROY) for his remarks.

Mr. Chairman, may I ask how much time remains on our side.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Texas (Mr. SMITH) has 5 minutes remaining, and the gentleman from Virginia (Mr. SCOTT) has 30 seconds remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin (Mr. GREEN) the vice-chairman of the Subcommittee on Crime, Terrorism and Homeland Security.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Texas for yielding me the time, and I want to commend the gentleman for this legislation.

This is a terribly important tool for prosecutors; and it is yet another reason why this bill, this larger legislation, is such a historic advance in the battle against those who would prey on our kids. I know we all recognize that technology, quite frankly, is outpacing our ability to deal with it, ethically and legally.

The computer information revolution has created a wonderful window on the world for our young people, but its darker shadows and darker moments can allow monsters into our home and, quite frankly, allow monsters closer to our children.

We cannot and must not allow the porn industry to hide behind emerging technologies and hyperlegal nuances. I refuse to say what the opponents imply today, that is, that somehow child pornography becomes a victimless crime with a couple of key strokes.

It is time to chase those dark shadows away. It is time to give prosecutors the tools to fight back. It is time to give them what they are asking for, the ability to shine a light on child pornography, the ability to fight back and to end this terrible scourge. This is a critical part, in my view, to a comprehensive response of child abduction and those who would prey on our kids.

Again, I want to compliment the gentleman. I think this is a great addition to this legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield the balance of my time to the gentlewoman from Pennsylvania (Ms. HART), a very active member of the Committee on the Judiciary.

Ms. HART. Mr. Chairman, I would like to thank the gentleman from Texas (Mr. SMITH) as sponsor of the amendment.

A little over a year ago, a 13-year-old girl was abducted from her home near Pittsburgh. She was found tied to a bed in a Herndon, Virginia, townhome. The adult male abductor had met this girl on the Internet and had bragged to other would-be child molesters that he had finally found a young girl to make his sex slave.

The man had a history of viewing and exchanging child pornography over the Internet. Currently, law enforcement has little power to stop this. The bill today, which includes the AMBER

Alert, which helps to locate abducted children, it also includes, most importantly, laws to strengthen the ability to ensure children are not abducted in the first place.

The amendment further strengthens the bill by making it illegal to possess, distribute or create computer or computer-related images depicting child pornography. Child pornography feeds the sick desires of pedophiles. It entices its viewers to take advantage of real young children.

This amendment provides another tool to get perpetrators of child abuse and child pornography off the streets and out of Internet chat rooms before more children are targeted.

With the Smith amendment, this bill will close the door left open by the Supreme Court decision last April that overturned similar provisions of a 1996 law. I encourage my colleagues to think first of the children and the families who have been so unnecessarily harmed by child abductors and child molesters in our Nation.

This law, with this amendment attached, will go a long way to preventing those horrible stories that we so hate to hear on the news.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself the balance of my time.

The Supreme Court told us that virtual images produced without real children cannot be prohibited unless they are obscene. The bright line is a person has got to use real children for it to be illegal. This bill says that virtual images without using children are illegal. The same Supreme Court will make the same decision.

This amendment is unconstitutional and ought to be rejected.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote; and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. SMITH) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 2 offered by the gentleman from Florida (Mr. FEENEY), amendment No. 8 offered by the gentleman from Texas (Mr. SMITH).

The Chair will reduce to 5 minutes the time for the second vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. FEENEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Florida (Mr. FEENEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 357, noes 58, answered "present" 1, not voting 18, as follows:

[Roll No. 87]

AYES—357

Ackerman	Cox	Greenwood
Aderholt	Cramer	Gutierrez
Akin	Crane	Gutknecht
Alexander	Crenshaw	Hall
Andrews	Crowley	Harman
Baca	Cubin	Harris
Bachus	Culberson	Hart
Baker	Cunningham	Hastings (WA)
Baldwin	Davis (CA)	Hayes
Ballenger	Davis (FL)	Hayworth
Barrett (SC)	Davis (TN)	Hefley
Bartlett (MD)	Davis, Jo Ann	Hensarling
Barton (TX)	Davis, Tom	Herger
Bass	Deal (GA)	Hill
Beauprez	DeFazio	Hinojosa
Bell	DeLauro	Hobson
Bereuter	DeLay	Hoefl
Berkley	DeMint	Hoekstra
Berry	Deutsch	Holden
Biggart	Diaz-Balart, L.	Holt
Bilirakis	Diaz-Balart, M.	Hooley (OR)
Bishop (GA)	Dicks	Hostettler
Bishop (NY)	Doggett	Houghton
Bishop (UT)	Dooley (CA)	Hulshof
Blackburn	Doolittle	Hunter
Blumenauer	Doyle	Inslee
Blunt	Dreier	Isakson
Boehler	Duncan	Israel
Boehner	Dunn	Issa
Bonilla	Edwards	Istook
Bonner	Ehlers	Janklow
Bono	Emanuel	Jenkins
Boozman	Emerson	John
Boswell	Engel	Johnson (CT)
Boucher	English	Johnson (IL)
Boyd	Eshoo	Johnson, Sam
Bradley (NH)	Etheridge	Jones (NC)
Brady (PA)	Evans	Kanjorski
Brady (TX)	Everett	Kaptur
Brown (SC)	Feeney	Keller
Brown-Waite,	Ferguson	Kelly
Ginny	Flake	Kennedy (MN)
Burgess	Foley	Kennedy (RI)
Burns	Forbes	Kildee
Burr	Ford	Kilpatrick
Burton (IN)	Fossella	Kind
Calvert	Frank (MA)	King (IA)
Camp	Franks (AZ)	King (NY)
Cannon	Frelinghuysen	Kingston
Cantor	Frost	Kirk
Capito	Gallegly	Kleczka
Capps	Garrett (NJ)	Kline
Capuano	Gerlach	Knollenberg
Carson (OK)	Gibbons	Kolbe
Carter	Gilchrest	LaHood
Case	Gillmor	Lampson
Castle	Gingrey	Langevin
Chabot	Gonzalez	Lantos
Chocola	Goode	Larsen (WA)
Clyburn	Goodlatte	Larson (CT)
Coble	Gordon	Latham
Cole	Goss	Leach
Collins	Granger	Levin
Cooper	Graves	Lewis (CA)
Costello	Green (TX)	Lewis (KY)
	Green (WI)	Linder

Lipinski	Pelosi	Smith (NJ)
LoBiondo	Pence	Smith (TX)
Lofgren	Peterson (MN)	Smith (WA)
Lowey	Peterson (PA)	Souder
Lucas (KY)	Petri	Spratt
Lucas (OK)	Pickering	Stearns
Lynch	Pitts	Stenholm
Maloney	Platts	Strickland
Manzullo	Pombo	Stupak
Markey	Pomeroy	Sullivan
Marshall	Porter	Sweeney
Matheson	Portman	Tancredo
Matsui	Price (NC)	Tanner
McCarthy (NY)	Pryce (OH)	Tauscher
McCrery	Putnam	Tauzin
McGovern	Quinn	Taylor (MS)
McHugh	Radanovich	Taylor (NC)
McInnis	Ramstad	Terry
McIntyre	Regula	Thomas
McKeon	Rehberg	Thompson (CA)
McNulty	Renzi	Thompson (MS)
Meehan	Reyes	Thornberry
Meeks (NY)	Reynolds	Tiahrt
Menendez	Rodriguez	Tiberi
Mica	Rogers (AL)	Tierney
Michaud	Rogers (KY)	Toomey
Miller (FL)	Rogers (MI)	Towns
Miller (MI)	Rohrabacher	Turner (OH)
Miller (NC)	Ros-Lehtinen	Turner (TX)
Miller, Gary	Ross	Udall (CO)
Moore	Rothman	Upton
Moran (KS)	Royce	Van Hollen
Moran (VA)	Ruppersberger	Vislosky
Murphy	Ryan (OH)	Vitter
Murtha	Ryan (WI)	Walden (OR)
Musgrave	Ryun (KS)	Walsh
Myrick	Sanchez, Loretta	Wamp
Napolitano	Sandlin	Watson
Neal (MA)	Saxton	Weiner
Nethercutt	Schrock	Weldon (PA)
Ney	Scott (GA)	Weldon (FL)
Northup	Sensenbrenner	Weller
Norwood	Sessions	Wexler
Nunes	Shadegg	Whitfield
Nussle	Shaw	Wicker
Obey	Shays	Wilson (NM)
Ortiz	Sherwood	Wilson (SC)
Osborne	Shimkus	Wolf
Ose	Shuster	Wu
Otter	Simmons	Wynn
Pallone	Simpson	Young (AK)
Pascrell	Skelton	Young (FL)
Pastor	Slaughter	
Pearce	Smith (MI)	

NOES—58

Abercrombie	Jackson-Lee (TX)	Rangel
Allen	Johnson, E. B.	Rush
Baird	Jones (OH)	Sabo
Becerra	Kucinich	Sanchez, Linda
Berman	LaTourette	T.
Cardin	Lee	Sanders
Carson (IN)	Lewis (GA)	Schakowsky
Davis (AL)	Majette	Schiff
Davis (IL)	McCollum	Scott (VA)
DeGette	McDermott	Serrano
Delahunt	Meek (FL)	Sherman
Farr	Millender-McDonald	Snyder
Fattah	Filner	Stark
Filner	Mollohan	Udall (NM)
Grijalva	Nadler	Velazquez
Hastings (FL)	Oberstar	Waters
Hinchev	Olver	Watt
Honda	Paul	Waxman
Hoyer	Payne	Woolsey
Jackson (IL)	Rahall	

ANSWERED "PRESENT"—1

Owens

NOT VOTING—18

Ballance	Conyers	Jefferson
Brown (OH)	Cummings	McCarthy (MO)
Brown, Corrine	Dingell	McCotter
Buyer	Fletcher	Miller, George
Clay	Gephardt	Oxley
Combest	Hyde	Solis

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). The Chair advises Members there are 2 minutes remaining in this vote.

□ 1302

Ms. WOOLSEY, Ms. DEGETTE, Mr. DAVIS of Illinois, Ms. MILLENDER-McDONALD, Messrs. RUSH, MEEK of Florida, KUCINICH, BECERRA, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia and Mr. RAHALL changed their vote from "aye" to "no."

Mrs. TAUSCHER, Ms. BERKLEY, Messrs. HINOJOSA, LARSON of Connecticut, WEXLER, PETERSON of Pennsylvania and Ms. HARMAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. BALLANCE. Mr. Chairman, on rollcall No. 87, I was in attendance at a meeting of the CBC Foundation at the National Press Club and did not return in time to vote. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The remaining question in this series will be a 5-minute vote.

AMENDMENT NO. 8 OFFERED BY MR. SMITH OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SMITH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 406, noes 15, not voting 13, as follows:

[Roll No. 88]

AYES—406

Ackerman	Blunt	Carson (OK)
Aderholt	Boehler	Carter
Akin	Boehner	Case
Alexander	Bonilla	Castle
Allen	Bonner	Chabot
Andrews	Bono	Chocola
Baca	Boozman	Clyburn
Bachus	Boswell	Coble
Baird	Boucher	Cole
Baker	Boyd	Collins
Baldwin	Bradley (NH)	Cooper
Ballance	Brady (PA)	Costello
Ballenger	Brady (TX)	Cox
Barrett (SC)	Brown (OH)	Cramer
Bartlett (MD)	Brown (SC)	Crane
Barton (TX)	Brown-Waite,	Crenshaw
Bass	Ginny	Crowley
Beauprez	Burgess	Cubin
Becerra	Burns	Culberson
Bell	Burr	Cummings
Bereuter	Burton (IN)	Cunningham
Berkley	Calvert	Davis (AL)
Berman	Camp	Davis (CA)
Berry	Cannon	Davis (FL)
Biggart	Cantor	Davis (TN)
Bilirakis	Capito	Davis, Jo Ann
Bishop (GA)	Capps	Davis, Tom
Bishop (NY)	Capuano	Deal (GA)
Bishop (UT)	Cardin	DeFazio
Blackburn	Cardoza	DeGette
Blumenauer	Carson (IN)	Delahunt

DeLauro	Johnson, Sam	Pence
DeLay	Jones (NC)	Peterson (MN)
DeMint	Kanjorski	Peterson (PA)
Deutsch	Kaptur	Petri
Diaz-Balart, L.	Keller	Pickering
Diaz-Balart, M.	Kelly	Pitts
Dicks	Kennedy (MN)	Platts
Dingell	Kennedy (RI)	Pombo
Doggett	Kildee	Pomeroy
Dooley (CA)	Kilpatrick	Porter
Doolittle	Kind	Portman
Doyle	King (IA)	Price (NC)
Dreier	King (NY)	Pryce (OH)
Duncan	Kingston	Putnam
Dunn	Kirk	Quinn
Edwards	Kleczka	Radanovich
Ehlers	Kline	Rahall
Emanuel	Knollenberg	Ramstad
Emerson	Kolbe	Rangel
Engel	Kucinich	Regula
English	LaHood	Rehberg
Eshoo	Lampson	Renzi
Etheridge	Langevin	Reyes
Evans	Lantos	Reynolds
Everett	Larsen (WA)	Rogers (AL)
Farr	Larson (CT)	Rogers (KY)
Fattah	Latham	Rogers (MI)
Feeney	LaTourrette	Rohrabacher
Ferguson	Leach	Ros-Lehtinen
Filner	Levin	Ross
Flake	Lewis (CA)	Rothman
Foley	Lewis (GA)	Roybal-Allard
Forbes	Lewis (KY)	Royce
Ford	Linder	Ruppersberger
Fossella	Lipinski	Ryan (OH)
Frank (MA)	LoBiondo	Ryan (WI)
Franks (AZ)	Lofgren	Ryun (KS)
Frelinghuysen	Lowe	Sabo
Frost	Lucas (KY)	Sanchez, Linda
Gallegly	Lucas (OK)	T.
Garrett (NJ)	Lynch	Sanchez, Loretta
Gerlach	Majette	Sandlin
Gibbons	Maloney	Saxton
Gilchrest	Manzullo	Schakowsky
Gillmor	Markey	Schiff
Gingrey	Marshall	Schrock
Gonzalez	Matheson	Scott (GA)
Goode	Matsui	Sensenbrenner
Goodlatte	McCollum	Serrano
Gordon	McCrery	Sessions
Goss	McGovern	Shadegg
Granger	McHugh	Shaw
Graves	McInnis	Shays
Green (TX)	McIntyre	Sherman
Green (WI)	McKeon	Sherwood
Greenwood	McNulty	Shimkus
Grijalva	Meehan	Shuster
Gutierrez	MEEK (FL)	Simmons
Gutknecht	Meeks (NY)	Simpson
Hall	Menendez	Slaughter
Harman	Mica	Smith (MI)
Harris	Michaud	Smith (NJ)
Hart	Millender-	Smith (TX)
Hastings (FL)	McDonald	Smith (WA)
Hastings (WA)	Miller (FL)	Snyder
Hayes	Miller (MI)	Solis
Hayworth	Miller (NC)	Souder
Hefley	Miller, Gary	Spratt
Hensarling	Mollohan	Stearns
Herger	Moore	Stenholm
Hill	Moran (KS)	Strickland
Hinches	Moran (VA)	Stupak
Hinojosa	Murphy	Sullivan
Hobson	Murtha	Sweeney
Hoefel	Musgrave	Tancredo
Hoekstra	Myrick	Tanner
Holden	Napolitano	Tauscher
Holt	Neal (MA)	Tauzin
Honda	Nethercutt	Taylor (MS)
Hooley (OR)	Ney	Taylor (NC)
Hostettler	Northup	Terry
Houghton	Norwood	Thomas
Hoyer	Nunes	Thompson (CA)
Hulshof	Nussle	Thompson (MS)
Hunter	Oberstar	Thornberry
Inslee	Obey	Tiahrt
Isakson	Olver	Tiberi
Israel	Ortiz	Tierney
Issa	Osborne	Toomey
Istook	Ose	Towns
Jackson-Lee	Otter	Turner (OH)
(TX)	Owens	Turner (TX)
Janklow	Oxley	Udall (CO)
Jefferson	Pallone	Udall (NM)
Jenkins	Pascrell	Upton
John	Pastor	Van Hollen
Johnson (CT)	Payne	Velazquez
Johnson (IL)	Pearce	Visclosky
Johnson, E. B.	Pelosi	Vitter

Walden (OR)	Weldon (FL)	Wilson (SC)
Walsh	Weldon (PA)	Wolf
Wamp	Weller	Wu
Waters	Wexler	Wynn
Watson	Whitfield	Young (AK)
Waxman	Wicker	Young (FL)
Weiner	Wilson (NM)	

NOES—15

Abercrombie	Lee	Sanders
Conyers	McDermott	Scott (VA)
Davis (IL)	Nadler	Stark
Jackson (IL)	Paul	Watt
Jones (OH)	Rush	Woolsey

NOT VOTING—13

Brown, Corrine	Gephardt	Miller, George
Buyer	Hyde	Rodriguez
Clay	McCarthy (MO)	Skelton
Combest	McCarthy (NY)	
Fletcher	McCotter	

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1311

Mr. DAVIS of Illinois and Mr. RUSH changed their vote from "aye" to "no."

So the amendment was agreed to. The result of the vote was announced as above recorded.

Stated for:

Mr. SKELTON. Mr. Chairman, on rollcall No. 88, I was unavoidably detained. Had I been present, I would have voted "aye."

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. HASTINGS of Washington, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1104) to prevent child abduction, and for other purposes, pursuant to House Resolution 160, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This 15-minute vote on the passage of H.R. 1104 will be followed by two 5-minute votes on postponed suspensions.

The vote was taken by electronic device, and there were—ayes 410, noes 14, not voting 10, as follows:

[Roll No. 89]

AYES—410

Abercrombie	Davis (FL)	Holt
Ackerman	Davis (IL)	Honda
Aderholt	Davis (TN)	Hooley (OR)
Akin	Davis, Jo Ann	Hostettler
Alexander	Davis, Tom	Houghton
Allen	Deal (GA)	Hoyer
Andrews	DeFazio	Hulshof
Baca	DeGette	Hunter
Bachus	Delahunt	Inslee
Baird	DeLauro	Isakson
Baker	DeLay	Israel
Baldwin	DeMint	Issa
Ballance	Deutsch	Istook
Ballenger	Diaz-Balart, L.	Jackson-Lee
Barrett (SC)	Diaz-Balart, M.	(TX)
Bartlett (MD)	Dicks	Janklow
Barton (TX)	Dingell	Jefferson
Bass	Doggett	Jenkins
Beauprez	Dooley (CA)	John
Becerra	Doolittle	Johnson (CT)
Bell	Doyle	Johnson (IL)
Bereuter	Dreier	Johnson, E. B.
Berkley	Duncan	Johnson, Sam
Berman	Dunn	Jones (NC)
Berry	Edwards	Jones (MN)
Biggert	Ehlers	Kanjorski
Billirakis	Emanuel	Kaptur
Bishop (GA)	Emerson	Keller
Bishop (NY)	Engel	Kelly
Bishop (UT)	English	Kennedy (RI)
Blackburn	Eshoo	Kildee
Blumenauer	Etheridge	Kilpatrick
Blunt	Evans	Kind
Boehlert	Everett	King (IA)
Boehner	Farr	King (NY)
Bonilla	Fattah	Kingston
Bonner	Feeney	Kirk
Bono	Ferguson	Kleczyka
Boozman	Filner	Kline
Boswell	Flake	Knollenberg
Boucher	Foley	Kolbe
Boyd	Forbes	Kucinich
Bradley (NH)	Ford	LaHood
Brady (PA)	Fossella	Lampson
Brady (TX)	Frank (MA)	Langevin
Brown (OH)	Franks (AZ)	Lantos
Brown (SC)	Frelinghuysen	Larsen (WA)
Brown-Waite,	Frost	Larson (CT)
Ginny	Galleghy	Latham
Burgess	Garrett (NJ)	LaTourette
Burns	Gerlach	Leach
Burr	Gibbons	Levin
Burton (IN)	Gilchrest	Lewis (CA)
Calvert	Gillmor	Lewis (GA)
Camp	Gingrey	Lewis (KY)
Cannon	Gonzalez	Linder
Cantor	Goode	Lipinski
Capito	Goodlatte	LoBiondo
Capps	Gordon	Lofgren
Capuano	Goss	Lowe
Cardin	Granger	Lucas (KY)
Cardoza	Graves	Lucas (OK)
Carson (IN)	Green (TX)	Lynch
Carson (OK)	Green (WI)	Majette
Carter	Greenwood	Maloney
Case	Grijalva	Manzullo
Castle	Gutierrez	Markey
Chabot	Gutknecht	Marshall
Chocola	Hall	Matheson
Clyburn	Harman	Matsui
Coble	Harris	Hart
Cole	Hart	McCarthy (NY)
Collins	Hastings (FL)	McCollum
Cooper	Hastings (WA)	McCrery
Costello	Hayes	McGovern
Cox	Hayworth	McHugh
Cramer	Hefley	McInnis
Crane	Hensarling	McIntyre
Crenshaw	Herger	McKeon
Crowley	Hill	McNulty
Cubin	Hinchee	Meehan
Culberson	Hinojosa	Meek (FL)
Cummings	Hobson	Meeks (NY)
Cunningham	Hoefel	Menendez
Davis (AL)	Hoekstra	Mica
Davis (CA)	Holden	Michaud

Millender-McDonald	Ramstad
Miller (FL)	Rangel
Miller (MI)	Regula
Miller (NC)	Rehberg
Miller, Gary	Renzi
Moore	Reyes
Moran (KS)	Reynolds
Moran (VA)	Rodriguez
Murphy	Rogers (AL)
Murtha	Rogers (KY)
Musgrave	Rogers (MI)
Myrick	Rohrabacher
Nadler	Ros-Lehtinen
Napolitano	Ross
Neal (MA)	Rothman
Nethercutt	Roybal-Allard
Ney	Royce
Northup	Ruppersberger
Norwood	Rush
Nunes	Ryan (OH)
Nussle	Ryan (WI)
Obey	Ryun (KS)
Oliver	Sanchez, Linda T.
Ortiz	Sanchez, Loretta
Osborne	Sandlin
Ose	Saxton
Otter	Schakowsky
Owens	Schiff
Oxley	Schrock
Pallone	Scott (GA)
Pascrell	Sensenbrenner
Pastor	Serrano
Payne	Sessions
Pearce	Shadegg
Pelosi	Shaw
Pence	Shays
Peterson (MN)	Sherman
Peterson (PA)	Sherwood
Petri	Shimkus
Pickering	Shuster
Pitts	Simmons
Platts	Simpson
Pombo	Skelton
Pomeroy	Slaughter
Porter	Smith (MI)
Portman	Smith (NJ)
Price (NC)	Smith (TX)
Pryce (OH)	Smith (WA)
Putnam	Snyder
Quinn	Solis
Radanovich	Souder
Rahall	Spratt

NOES—14

Conyers	Mollohan
Jackson (IL)	Oberstar
Jones (OH)	Paul
Lee	Sabo
McDermott	Sanders

NOT VOTING—10

Brown, Corrine	Fletcher	McCotter
Buyer	Gephardt	Miller, George
Clay	Hyde	
Combest	McCarthy (MO)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that there are 2 minutes remaining on this vote.

□ 1330

Mr. JACKSON of Illinois, Ms. LEE and Mr. SANDERS changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 99

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable

Daniel Patrick Moynihan, former Member of the United States Senate.

The message also announced that pursuant to Public Law 96-388, as amended by Public Law 97-84 and Public Law 106-292, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the following Senators to the United States Holocaust Memorial Council for the One Hundred Eighth Congress—

the Senator from Utah (Mr. HATCH);
the Senator from Maine (Ms. COLLINS); and
the Senator from Minnesota (Mr. COLEMAN).

The message also announced that pursuant to Public Law 106-398, as amended by Public Law 108-7, in accordance with the qualifications specified under section 1237(E) of Public Law 106-398, the Chair, on behalf of the President pro tempore and upon the recommendation of the Democratic Leader, in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission—

C. Richard D'Amato of Maryland, for a term expiring December 31, 2005;

Patrick A. Mulloy of Virginia, for a term expiring December 31, 2004; and

William A. Reinsch of Maryland, for a term expiring December 31, 2003.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the remainder of this series of votes will be conducted as 5-minute votes.

SECURING BLESSINGS OF PROVIDENCE FOR PEOPLE OF THE UNITED STATES AND OUR ARMED FORCES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 153.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and agree to the resolution, H. Res. 153, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 346, nays 49, answered "present" 23, not voting 16, as follows:

[Roll No. 90]

YEAS—346

Abercrombie	Baca	Barrett (SC)
Aderholt	Bachus	Bartlett (MD)
Akin	Baker	Barton (TX)
Alexander	Baldwin	Bass
Andrews	Ballenger	Beauprez

McGovern	Porter	Smith (WA)
McHugh	Portman	Snyder
McInnis	Price (NC)	Solis
McIntyre	Pryce (OH)	Souder
McKeon	Putnam	Spratt
McNulty	Quinn	Stark
Meehan	Radanovich	Stearns
Meek (FL)	Rahall	Stenholm
Meeks (NY)	Ramstad	Strickland
Menendez	Rangel	Stupak
Mica	Regula	Sullivan
Michaud	Rehberg	Sweeney
Millender-	Renzi	Tancredo
McDonald	Reyes	Tanner
Miller (FL)	Reynolds	Tauscher
Miller (MI)	Rodriguez	Tauzin
Miller (NC)	Rogers (AL)	Taylor (MS)
Miller, Gary	Rogers (KY)	Taylor (NC)
Mollohan	Rogers (MI)	Terry
Moore	Rohrabacher	Thomas
Moran (KS)	Ros-Lehtinen	Thompson (CA)
Moran (VA)	Ross	Thompson (MS)
Murphy	Rothman	Thornberry
Murtha	Roybal-Allard	Tiahrt
Musgrave	Royce	Tiberi
Myrick	Ruppersberger	Tierney
Nadler	Rush	Toomey
Napolitano	Ryan (OH)	Towns
Neal (MA)	Ryan (WI)	Turner (OH)
Nethercutt	Ryun (KS)	Turner (TX)
Ney	Sabo	Udall (CO)
Northup	Sanchez, Linda	Udall (NM)
Norwood	T.	Upton
Nunes	Sanchez, Loretta	Van Hollen
Oberstar	Sanders	Velazquez
Obey	Sandlin	Visclosky
Olver	Saxton	Vitter
Ortiz	Schakowsky	Walden (OR)
Osborne	Schiff	Walsh
Ose	Schrock	Wamp
Otter	Scott (GA)	Waters
Owens	Scott (VA)	Watson
Oxley	Sensenbrenner	Watt
Pallone	Serrano	Waxman
Pascarell	Sessions	Weiner
Pastor	Shadegg	Weldon (FL)
Paul	Shaw	Weldon (PA)
Payne	Shays	Weller
Pearce	Sherman	Wexler
Pelosi	Sherwood	Whitfield
Pence	Shinkus	Wicker
Peterson (MN)	Shuster	Wilson (NM)
Peterson (PA)	Simmons	Wilson (SC)
Petri	Simpson	Wolf
Pickering	Skelton	Woolsey
Pitts	Slaughter	Wu
Platts	Smith (MI)	Wynn
Pombo	Smith (NJ)	Young (AK)
Pomeroy	Smith (TX)	Young (FL)

NOT VOTING—15

Bachus	Clay	John
Becerra	Combest	McCarthy (MO)
Berman	Fletcher	McCotter
Brown, Corrine	Gephardt	Miller, George
Buyer	Hyde	Nussle

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1346

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 1104, CHILD ABDUCTION PREVENTION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1104, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

PROSECUTORIAL REMEDIES AND TOOLS AGAINST THE EXPLOITATION OF CHILDREN TODAY ACT OF 2003 OR "PROTECT ACT"

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 160, I call up the Senate bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 151 is as follows:

S. 151

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 "Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003" or "PROTECT Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under *Miller v. California*, 413 U.S. 15 (1973) (obscurity), or *New York v. Ferber*, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. "The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance." *New York v. Ferber*, 458 U.S. 747, 757 (1982) (emphasis added), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. *Osborne v. Ohio*, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. "[T]he most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product." *Ferber*, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided *Ferber*, the technology did not exist to: (A) computer generate depictions of children that are indistinguishable from depictions of real children; (B) use parts of images of real children to create a composite image that is unidentifiable as a particular child and in a way that prevents even an expert from concluding that parts of images of real children were used; or (C) disguise pictures of real children being abused by making the image look computer generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer generated. The technology will soon exist, if it does not already, to computer generate realistic images of children.

(6) The vast majority of child pornography prosecutions today involve images contained

on computer hard drives, computer disks, or related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse of real children. Nevertheless, technological advances since *Ferber* have led many criminal defendants to suggest that the images of child pornography they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges increased significantly after the *Ashcroft v. Free Speech Coalition* decision.

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic assessment may depend on the quality of the image scanned and the tools used to scan it.

(9) The impact on the government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in *Free Speech Coalition*. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) Since the Supreme Court's decision in *Free Speech Coalition*, defendants in child pornography cases have almost universally raised the contention that the images in question could be virtual, thereby requiring the government, in nearly every child pornography prosecution, to find proof that the child is real. Some of these defense efforts have already been successful.

(11) In the absence of congressional action, this problem will continue to grow increasingly worse. The mere prospect that the technology exists to create computer or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution, for it threatens to create a reasonable doubt in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable. Moreover, imposing an additional requirement that the Government prove beyond a reasonable doubt that the defendant knew that the image was in fact a real child—as some courts have done—threatens to result in the de facto legalization of the possession, receipt, and distribution of child pornography for all except the original producers of the material.

(12) To avoid this grave threat to the Government's unquestioned compelling interest

in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

(13) The Supreme Court's 1982 Ferber decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary now to ensure that open and notorious trafficking in such materials does not reappear, and even increase, on the Internet.

SEC. 3. CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.

Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

“(3) knowingly—

“(A) reproduces any child pornography for distribution through the mails, or in interstate or foreign commerce by any means, including by computer; or

“(B) advertises, promotes, presents, distributes, or solicits through the mails, or in interstate or foreign commerce by any means, including by computer, any material or purported material in a manner that reflects the belief, or that is intended to cause another to believe, that the material or purported material is, or contains—

“(i) an obscene visual depiction of a minor engaging in sexually explicit conduct; or

“(ii) a visual depiction of an actual minor engaging in sexually explicit conduct;”;

(B) in paragraph (4), by striking “or” at the end;

(C) in paragraph (5), by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following:

“(6) knowingly distributes, offers, sends, or provides to a minor any visual depiction, including any photograph, film, video, picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, where such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct—

“(A) that has been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer;

“(B) that was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer; or

“(C) which distribution, offer, sending, or provision is accomplished using the mails or by transmitting or causing to be transmitted any wire communication in interstate or foreign commerce, including by computer,

for purposes of inducing or persuading a minor to participate in any activity that is illegal.”;

(2) in subsection (b)(1), by striking “paragraphs (1), (2), (3), or (4)” and inserting “paragraph (1), (2), (3), (4), or (6)”;

(3) by striking subsection (c) and inserting the following:

“(c) Affirmative Defense.—It shall be an affirmative defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) that—

“(1)(A) the alleged child pornography was produced using an actual person or persons engaging in sexually explicit conduct; and

“(B) each such person was an adult at the time the material was produced; or

“(2) the alleged child pornography was not produced using any actual minor or minors.

No affirmative defense under subsection (c)(2) shall be available in any prosecution that involves child pornography as described in section 2256(8)(C). A defendant may not assert an affirmative defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of

subsection (a) unless, within the time provided for filing pretrial motions or at such time prior to trial as the judge may direct, but in no event later than 10 days before the commencement of the trial, the defendant provides the court and the United States with notice of the intent to assert such defense and the substance of any expert or other specialized testimony or evidence upon which the defendant intends to rely. If the defendant fails to comply with this subsection, the court shall, absent a finding of extraordinary circumstances that prevented timely compliance, prohibit the defendant from asserting such defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) or presenting any evidence for which the defendant has failed to provide proper and timely notice.”.

SEC. 4. ADMISSIBILITY OF EVIDENCE.

Section 2252A of title 18, United States Code, is amended by adding at the end the following:

“(e) ADMISSIBILITY OF EVIDENCE.—On motion of the government, in any prosecution under this chapter, except for good cause shown, the name, address, social security number, or other nonphysical identifying information, other than the age or approximate age, of any minor who is depicted in any child pornography shall not be admissible and may be redacted from any otherwise admissible evidence, and the jury shall be instructed, upon request of the United States, that it can draw no inference from the absence of such evidence in deciding whether the child pornography depicts an actual minor.”.

SEC. 5. DEFINITIONS.

Section 2256 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting before the semicolon the following: “and shall not be construed to require proof of the actual identity of the person”;

(2) in paragraph (2)—

(A) by striking “means actual” and inserting the following: “means—

“(A) actual”;

(B) in subparagraphs (A), (B), (C), (D), and (E), by indenting the left margin 2 ems to the right and redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively;

(C) in subparagraph (A)(v), as redesignated, by inserting “or” after the semicolon; and

(D) by adding at the end the following:

“(B)(i) actual sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

“(ii) actual or lascivious simulated—

“(I) bestiality;

“(II) masturbation; or

“(III) sadistic or masochistic abuse; or

“(iii) actual lascivious or simulated lascivious exhibition of the genitals or pubic area of any person;”;

(3) in paragraph (8)—

(A) by striking subparagraph (B) and inserting the following:

“(B) the production of such visual depiction involves the use of an identifiable minor engaging in sexually explicit conduct; or”;

(B) in subparagraph (C)—

(i) by inserting after “is engaging in sexually explicit conduct” the following: “, except that the term ‘identifiable minor’ as used in this subparagraph shall not be construed to include the portion of the definition contained in paragraph (9)(B)”;

(ii) by striking “or” at the end; and

(C) by striking subparagraph (D); and

(4) by striking paragraph (9), and inserting the following:

“(9) ‘identifiable minor’—

“(A)(i) means a person—

“(I)(aa) who was a minor at the time the visual depiction was created, adapted, or modified; or

“(bb) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

“(II) who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

“(ii) shall not be construed to require proof of the actual identity of the identifiable minor; or

“(B) means a computer image, computer generated image, or digital image—

“(i) that is of, or is virtually indistinguishable from that of, an actual minor; and

“(ii) that depicts sexually explicit conduct as defined in paragraph (2)(B); and

“(10) ‘virtually indistinguishable’—

“(A) means that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor; and

“(B) does not apply to depictions that are drawings, cartoons, sculptures, diagrams, anatomical models, or paintings depicting minors or adults or reproductions of such depictions.”.

SEC. 6. OBSCENE VISUAL REPRESENTATIONS OF THE SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252A the following:

“§2252B. Obscene visual representations of the sexual abuse of children

“(a) IN GENERAL.—Any person who, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute, a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

“(1)(A) depicts a minor engaging in sexually explicit conduct; and

“(B) is obscene; or

“(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

“(B) lacks serious literary, artistic, political, or scientific value;

or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

“(b) ADDITIONAL OFFENSES.—Any person who, in a circumstance described in subsection (d), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

“(1)(A) depicts a minor engaging in sexually explicit conduct; and

“(B) is obscene; or

“(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

“(B) lacks serious literary, artistic, political, or scientific value;

or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

“(c) NONREQUIRED ELEMENT OF OFFENSE.—It is not a required element of any offense under this section that the minor depicted actually exist.

“(d) CIRCUMSTANCES.—The circumstance referred to in subsections (a) and (b) is that—

“(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

“(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

“(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

“(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

“(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

“(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (b) that the defendant—

“(1) possessed less than 3 such visual depictions; and

“(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any such visual depiction—

“(A) took reasonable steps to destroy each such visual depiction; or

“(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.

“(f) DEFINITIONS.—For purposes of this section—

“(1) the term ‘visual depiction’ includes undeveloped film and videotape, and data stored on a computer disk or by electronic means which is capable of conversion into a visual image, and also includes any photograph, film, video, picture, digital image or picture, computer image or picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means;

“(2) the term ‘sexually explicit conduct’ has the meaning given the term in section 2256(2); and

“(3) the term ‘graphic’, when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The section analysis for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252A the following:

“2252B. Obscene visual representations of the sexual abuse of children.”.

(c) SENTENCING GUIDELINES.—

(1) CATEGORY.—Except as provided in paragraph (2), the applicable category of offense to be used in determining the sentencing range referred to in section 3553(a)(4) of title 18, United States Code, with respect to any person convicted under section 2252B of such title, shall be the category of offenses described in section 2G2.2 of the Sentencing Guidelines.

(2) RANGES.—The Sentencing Commission may promulgate guidelines specifically gov-

erning offenses under section 2252B of title 18, United States Code, if such guidelines do not result in sentencing ranges that are lower than those that would have applied under paragraph (1).

SEC. 7. RECORDKEEPING REQUIREMENTS.

Section 2257 of title 18, United States Code, is amended—

(1) in subsection (d)(2), by striking “of this section” and inserting “of this chapter or chapter 71.”;

(2) in subsection (h)(3), by inserting “, computer generated image, digital image, or picture,” after “video tape”; and

(3) in subsection (i)—

(A) by striking “not more than 2 years” and inserting “not more than 5 years”; and

(B) by striking “5 years” and inserting “10 years”.

SEC. 8. SERVICE PROVIDER REPORTING OF CHILD PORNOGRAPHY AND RELATED INFORMATION.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) in subsection (b)(1), by inserting “or a violation of section 2252B of that title” after “of that title”;

(2) in subsection (c), by inserting “or pursuant to” after “to comply with”;

(3) by amending subsection (f)(1)(D) to read as follows:

“(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.”;

(4) by redesignating paragraph (3) of subsection (b) as paragraph (4); and

(5) by inserting after paragraph (2) of subsection (b) the following new paragraph:

“(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2), the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law.”.

SEC. 9. CONTENTS DISCLOSURE OF STORED COMMUNICATIONS.

Section 2702 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking “or” at the end;

(B) in paragraph (6)—

(i) in subparagraph (A)(ii), by inserting “or” at the end;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(C) by redesignating paragraph (6) as paragraph (7); and

(D) by inserting after paragraph (5) the following:

“(6) to the National Center for Missing and Exploited Children, in connection with a report submitted under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or”;

(2) in subsection (c)—

(A) in paragraph (4), by striking “or” at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

“(5) to the National Center for Missing and Exploited Children, in connection with a report submitted under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or”.

SEC. 10. EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.

Section 2251 of title 18, United States Code, is amended—

(1) by striking “subsection (d)” each place that term appears and inserting “subsection (e)”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

“(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its territories or possessions, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

“(2) The circumstance referred to in paragraph (1) is that—

“(A) the person intends such visual depiction to be transported to the United States, its territories or possessions, by any means, including by computer or mail; or

“(B) the person transports such visual depiction to the United States, its territories or possessions, by any means, including by computer or mail.”.

SEC. 11. CIVIL REMEDIES.

Section 2252A of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

“(f) CIVIL REMEDIES.—

“(1) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited under subsection (a) or (b) may commence a civil action for the relief set forth in paragraph (2).

“(2) RELIEF.—In any action commenced in accordance with paragraph (1), the court may award appropriate relief, including—

“(A) temporary, preliminary, or permanent injunctive relief;

“(B) compensatory and punitive damages; and

“(C) the costs of the civil action and reasonable fees for attorneys and expert witnesses.”.

SEC. 12. ENHANCED PENALTIES FOR RECIDIVISTS.

Sections 2251(d), 2252(b), and 2252A(b) of title 18, United States Code, are amended by inserting “chapter 71,” before “chapter 109A,” each place it appears.

SEC. 13. SENTENCING ENHANCEMENTS FOR INTERSTATE TRAVEL TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.

Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that guideline penalties are adequate in cases that involve interstate travel with the intent to engage in a sexual act with a juvenile in violation of section 2423 of title 18, United States Code, to deter and punish such conduct.

SEC. 14. MISCELLANEOUS PROVISIONS.

(a) APPOINTMENT OF TRIAL ATTORNEYS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall appoint 25 additional trial attorneys to the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice or to appropriate U.S. Attorney’s Offices, and those trial attorneys shall have as their primary focus, the investigation and prosecution of Federal child pornography laws.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out this subsection.

(b) REPORT TO CONGRESSIONAL COMMITTEES.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General shall report to the Chairpersons and Ranking Members of the Committees on the

Judiciary of the Senate and the House of Representatives on the Federal enforcement actions under chapter 110 of title 18, United States Code.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an evaluation of the prosecutions brought under chapter 110 of title 18, United States Code;

(B) an outcome-based measurement of performance; and

(C) an analysis of the technology being used by the child pornography industry.

(c) SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that the guidelines are adequate to deter and punish conduct that involves a violation of paragraph (3)(B) or (6) of section 2252A(a) of title 18, United States Code, as created by this Act. With respect to the guidelines for section 2252A(a)(3)(B), the Commission shall consider the relative culpability of promoting, presenting, describing, or distributing material in violation of that section as compared with solicitation of such material.

SEC. 15. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

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

(1) by inserting “section 1591 (sex trafficking of children by force, fraud, or coercion),” after “section 1511 (obstruction of State or local law enforcement),”; and

(2) by inserting “section 2251A (selling or buying of children), section 2252A (relating to material constituting or containing child pornography), section 2252B (relating to child obscenity), section 2260 (production of sexually explicit depictions of a minor for importation into the United States), sections 2421, 2422, 2423, and 2425 (relating to transportation for illegal sexual activity and related crimes),” after “sections 2251 and 2252 (sexual exploitation of children).”

SEC. 16. INVESTIGATIVE AUTHORITY RELATING TO CHILD PORNOGRAPHY.

Section 3486(a)(1)(C)(i) of title 18, United States Code, is amended by striking “the name, address” and all that follows through “subscriber or customer utilized,” and inserting “the information specified in section 2703(c)(2).”

SEC. 17. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

MOTION OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 160, I offer a motion.

The Clerk read as follows:

Mr. SENSENBRENNER moves to strike all after the enacting clause of S. 151, and insert in lieu thereof the provisions of H.R. 1104 as passed by the House.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 1 hour.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume, and I will not take a long time on this motion.

The House has worked its will on H.R. 1104, and Members should be con-

gratulated for their hard work. However, this is no time to pat ourselves on the back. There is still work to do with the other body, and I am prepared to get that job done.

The following procedural maneuvers are necessary to get us to conference with the Senate. Many have complained that H.R. 1104 would get bogged down with the other body. This procedure ensures that we are able to expeditiously convene a conference to resolve differences between the House and the Senate versions of this legislation. The Committee on Rules, in its wisdom, has crafted a rule that permits us to expeditiously get to conference so that the House and Senate Committees on the Judiciary can get to work. I am ready to roll up my sleeves to make sure this child protection legislation is on the President's desk soon.

Mr. Speaker, this motion permits the House to get to a stage of disagreement with the Senate so the House can consider the next motion I will offer requesting a conference with the other body. I encourage all Members to support this motion so we can resolve our differences with the other body and send to the President strong child protection legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The motion was agreed to.

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

The SPEAKER pro tempore. Without objection, the title of the Senate bill is amended so as to read: “To prevent child abduction and the sexual exploitation of children, and for other purposes.”

There was no objection.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1104) was laid on the table.

MOTION TO GO TO CONFERENCE

Mr. SENSENBRENNER. Mr. Speaker, pursuant to the rule, I offer a motion.

The Clerk read as follows:

Mr. SENSENBRENNER moves that the House insist on its amendments to S. 151 and request a conference with the Senate thereon.

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES

Mr. SCOTT of Virginia. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SCOTT of Virginia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill S. 151, be instructed to insist that—

(1) the committee of conference allow opportunity for members of the committee of conference to offer and debate amendments at all meetings of such conference; and

(2) all meetings of the committee of conference—

(A) be open to the public and to the print and electronic media; and

(B) be held in venues selected to maximize the capacity for attendance of the public and the media.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I believe the motion is self-explanatory, and I would hope that it would be adopted.

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

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

Mr. Speaker, I have no objection to the motion, but I hope it will not be used to slow down the proceedings of the conference so that we can expeditiously reach a conference report.

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

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

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Virginia (Mr. SCOTT).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on the Judiciary, for consideration of the Senate bill and the House amendments, and modifications committed to conference: Messrs. SENSENBRENNER, COBLE, SMITH of Texas, GREEN of Wisconsin, Ms. HART, Mr. CONYERS and Mr. SCOTT of Virginia.

For consideration of the Senate bill and House amendments and modifications committed to conference: Mr. FROST.

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 522, FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2003

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 522, the Federal Deposit Insurance Reform Act of 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy with a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by 10 a.m. on Tuesday, April 1. Members should draft their amendments to the bill as ordered and reported by the Committee on Financial Services on March 13, which is expected to file its report later today.

Members are advised that the text should be available for their review on both the Committee on Financial Services and the Committee on Rules Web sites by Friday, March 28.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the Rules of the House.

ANNOUNCEMENT BY THE COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 735, THE POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING REFORM ACT OF 2003

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 735, the Postal Civil Service Retirement System Funding Reform Act of 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy with a brief explanation of the amendment to the Committee on Rules in H-312 of the Capitol by 4 p.m. on Monday, March 31. Members should draft their amendments to the bill as ordered by the Committee on Government Reform on March 6. Members are advised that the text should be available for their review on the Web site of the Committee on Rules later today.

Members should use the Office of the Legislative Counsel to make sure that their amendments are properly drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

LAYING ON THE TABLE H. RES. 152

Mr. DREIER. Mr. Speaker, I ask unanimous consent that House Resolution 152 be laid on the table.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces the judicial conferees on S. 151 may be announced later.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring of the schedule of the distinguished majority leader, the gentleman from Texas (Mr. DELAY), and I yield to the majority leader.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these bills will be rolled until 6:30 p.m. on Monday.

On Tuesday, we expect to consider several additional bills under suspension of the rules, including legislation that will provide relief from student loan payments to our men and women currently serving in the Middle East. We would also hope to go to conference on the 2004 budget resolution.

For Wednesday and the balance of the week, we have several measures that we will consider under a rule. Those include H.R. 522, a bill to reauthorize the Federal Deposit Insurance Program; H.R. 735, which would alter the method used to calculate Postal Service contributions to the Federal Employee Pension System; and H.R. 743, the Social Security Protection Act.

Finally, next week, we hope to be considering the Fiscal Year 2003 War Supplemental that was requested by the President earlier this week. I believe that the Committee on Appropriations has tentatively scheduled a markup of this legislation for Tuesday.

Now, Members should be aware, while I remain hopeful that we could consider this legislation on the floor on Thursday, I know that this schedule would disrupt the traditional 3-day layover practice by the Committee on Appropriations, but if the supplemental is not available for floor consideration on Thursday, Members should be advised we would be in session next Friday to consider this very important bill.

I thank the gentleman for yielding. I would be happy to answer any questions.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his information.

Following up on what he said at the end of his statement, am I to understand that if the supplemental is passed on Thursday, it is the gentleman's expectation we will not be in next Friday?

Mr. DELAY. Mr. Speaker, if the gentleman will yield, the gentleman is correct. If we can get the supplemental passed by the House by Thursday, we would not be in on Friday. But Members need to be advised that the President has asked the bipartisan leadership to try to get the supplemental to his desk before the Easter break, and we have to get it done next week in order to accomplish that.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments.

I would say to the distinguished majority leader, having talked to the ranking member and former chairman of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), I think if we can reach a bipar-

tisan agreement, we too want to make sure that we provide the appropriate resources for our men and women in harm's way to assure them that there is going to be no reluctance on our part to accomplish that effort. But I emphasize that my belief is that if we can reach a bipartisan agreement, and I am hopeful, I know the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) can accomplish that; and if the leadership would help in accomplishing that objective, I think that would be a worthy objective for our country and for this House.

The budget conference and conferees, does the gentleman know when they will be appointed? I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

We are hoping to go to conference and name conferees on Monday, if we can get the papers from the Senate. Right now we could have done it today, but we are waiting for the papers to come over from the other body, and they tell us it will be very difficult to get those papers to us by Monday. But if we can get everything straight, then we will go to conference on Monday. If not, we will have to wait until Tuesday.

Mr. HOYER. Mr. Leader, the reason I was looking to staff, obviously, as the gentleman well knows, if we are not going to go in until 6:30 and we will probably do suspension bills that night, clearly, if we go to conference, a motion to instruct would be in order; and I think it would be our intention to offer such a motion.

Therefore, having notice at this juncture, or I understand the gentleman's not having specific knowledge of when the papers are going to come over, but I might say to the gentleman that if we can have some specificity, and apparently Tuesday we will have the papers, the gentleman is reasonably confident, perhaps we could agree that it would be then Tuesday so that on our side we could plan to have the motion to which we would be entitled ready and available at that time.

□ 1400

Mr. DELAY. I thank the gentleman for his comment, Mr. Speaker. We want to make sure that the minority protects their rights and reserves their rights to proceed to a motion to instruct.

My assumption is that we will have what we need to go to conference on the floor of this House no later than Tuesday, and we have every anticipation that we will be going to conference on Tuesday, but we would like to go a day earlier. As the gentleman knows, there is a lot of legislation we would like to do in the next 2 weeks, and floor time is at a premium.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I appreciate the gentleman's view. I share that view. We want to try to get this done. I am going to ask him about the week following.

I understand floor time is at a premium, but we are not going to meet, apparently, on Friday if we get the supplemental done in a timely fashion, so we are not going to be using that time.

My only point is that if we do not know until Monday at noontime or Monday at 10 o'clock, it makes it more difficult for us. Frankly, I think it would be appropriate if the gentleman could perhaps agree that this will be on Tuesday, because he is not sure it is going to get over on Monday. I think that puts us in a little better shape.

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, we will inform the leadership of the minority as soon as we know. We are urging the other body to move quickly, and we will keep the leadership of the minority informed at every step of this process so their side will have plenty of notice. Hopefully, we will have this decision done by tomorrow, and the gentleman will have plenty of time to do his planning.

Mr. HOYER. I thank the gentleman, Mr. Speaker.

Reclaiming my time again, Mr. Speaker, and I do not want to beat this dead horse too badly, but on Monday my presumption is that the only votes at 6:30 are suspension votes; is that correct?

Mr. DELAY. If the gentleman will continue to yield, that is correct, unless we try to go to conference on the budget. We would have a motion to instruct.

Mr. HOYER. Would we do that subsequent to the vote on the suspensions, or in the afternoon? Obviously, the problem with the afternoon is most Members, as the gentleman knows, come back in time for the vote, Members flying from the West Coast. So there are those complications.

Would the gentleman inform me as to what the intent would be, either before the 6:30 suspension votes or after?

Mr. DELAY. If the gentleman will yield, Mr. Speaker, I would suspect that certainly, with the gentleman's agreement, that we could start the process around 5 or 5:30 and wait on the votes until we have finished voting on the suspensions; or we could start the debate on the motion to instruct after the vote on the suspensions. We will be glad to work with the gentleman on how we do that, whatever is most convenient to the Members.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman. We will discuss this with the gentleman from South Carolina (Mr. SPRATT), the ranking member. I am sure the gentleman will want to discuss it with the gentleman from Iowa (Mr. NUSSLE) as well. Hopefully, we can reach an agreement so all Members can be accommodated to participate in that important debate.

Mr. Leader, the partial birth abortion bill, I understand that was marked up yesterday. Does the gentleman know when that will be coming to the

floor? Is it going to be next week or the week after?

Mr. DELAY. If the gentleman will yield, Mr. Speaker, the gentleman is correct, the Committee on the Judiciary reported this legislation out early this week. We would like to consider this bill in the very near future, but, as I mentioned earlier, over the next 2 weeks floor time is going to be at very much a premium. We would like to do it, but it looks like in trying to assess what the needs of the House are for the next 2 weeks we are not going to be able to get to this bill before the Easter break. It is more likely that we will consider the bill in May.

Mr. HOYER. I thank the gentleman for that response.

The smallpox vaccination compensation bill, I know there are ongoing discussions. It is my understanding, from what I have heard the gentleman say, that the expectation is that is not going to be on the calendar next week.

Mr. DELAY. If the gentleman will yield, Mr. Speaker, he may remember that last week during our discussion I mentioned that we are trying to move forward on a product under a very tight time frame that all Members could support. We really would like to see this bill come to the floor in a bipartisan way.

I understand the gentleman from Louisiana (Chairman TAUZIN) and the ranking member, the gentleman from Michigan (Mr. DINGELL), have had daily, if not hourly, discussions on this legislation and at times have become very close to a compromise that all Members could likely support. The bill was pulled from consideration this week primarily because the interested parties believe that the differences on the issues are minimal now and that more time could in fact yield a reasonable compromise.

I would just note for the gentleman that this is a relatively small authorization for a fund that would serve a very targeted community, and usually the House considers legislation of this nature under suspensions of the rules. I would hope that we could bring this bill under suspension as soon as possible.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I would ask the leader, and we have had this discussion before, we are all hopeful, I think, that the discussions between the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) and the gentlewoman from California (Mrs. CAPPs), who is on the floor, who has been such a leader in this legislation, and others on the gentleman's side of the aisle could come and reach agreement.

However, if an agreement could not be reached, the problem is with the Suspension Calendar that it allows no amendments and therefore allows of no alternative possibilities to be considered by the whole House.

We would hope that if this matter cannot be resolved, and we are hopeful

that it can, and I know I speak for the gentlewoman from California (Mrs. CAPPs), she is hopeful that it can, and I think I speak for the gentleman from Michigan (Mr. DINGELL) and the gentleman from Louisiana (Mr. TAUZIN) as well, that they would like to reach agreement; but if agreement cannot be reached, I would urge the majority leader to bring this bill to the floor with the procedure that allows for alternative proposals to be considered by the whole House.

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, I do understand his concerns. We are working very, very hard on this bill. I think we can bring this bill to the floor. It is needed.

Frankly, we have been working on it for way too long. It should have been passed weeks ago. I have every confidence that we can bring a bill to the floor that will get an overwhelming vote by this House.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman for his comments. We all agree that this bill is needed. We also all know that the President's expectation of the number of people who would have gotten the smallpox vaccination at this point in time, particularly as it relates to first responders, nurses, police, emergency medical technicians, would have been far higher than it has been to date, so we are trying to facilitate that.

Clearly, the passage of this bill would be facilitated by having a bipartisan agreement that will not be contentious. But of course, as the gentleman knows, at the nub of this issue is how substantively we can accomplish the objective of getting as many of our nurses and police and emergency response personnel to voluntarily participate in this vaccination process.

So, again, I would urge the gentleman, if we cannot reach agreement, let the floor consider alternatives and let them decide, the floor, the Members of this House, as to what procedures and process and compensation will best facilitate that end. I thank the gentleman for his comments.

Lastly, Mr. Speaker, I would ask the leader, regarding the tax bill, I know the gentleman mentioned it, but when does he anticipate that coming to the floor?

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, the gentleman knows we are sort of at the mercy of the other body. The quicker we can complete a conference report on the budget, the quicker we can move the economic growth package. We are working as hard as we can to convince the Committee on the Budget, the budget committees of both houses, to work through the weekend, work all through next week, so we can bring the conference report to the floor.

If that happens, then we know what we have to deal with; and I would hope

that this House could bring the economic growth and jobs creation package to the floor before the Easter break.

Mr. HOYER. I thank the gentleman for his comments, Mr. Speaker.

ADJOURNMENT TO MONDAY,
MARCH 31, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, March 31, for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PAYING HOMAGE TO CORPORAL
JOSE ANGEL GARIBAY, AN
AMERICAN HERO

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, I rise today to pay homage and respect to Corporal Jose Angel Garibay, a 21-year-old Marine killed in action in Iraq a few days ago.

Jose Garibay was a proud American of Mexican American descent. He is now an American hero. He was born in Jalisco, Mexico. His family moved to California while he was still a baby. Like almost all Americans, his family came here seeking opportunity and freedom.

Corporal Garibay grew up in Costa Mesa, California. He exemplified what anyone would call an all-American kid. He was a source of joy and pride to his family. He was a star football player on the Newport Harbor High School football team; and he joined the Marines 3 years ago, shortly after graduating from high school.

He was a loving son to his mother, Simona; and he had hoped to use his military pay to help his mother buy a house. He put his own family first and foremost in his life, and through his sacrifice for our Nation in this war against tyranny and terrorism he proved that love of country and love of family are inseparably linked.

Corporal Garibay, his supreme sacrifice will not be forgotten. He will be remembered alongside the many brave American heroes who have gone before

him in defending family, freedom, and country.

Today we send our greatest sympathy to the Garibay family. May God's love and the gratitude of our Nation comfort them and comfort the families of all of our fallen heroes.

JIM RICHARDSON POST OFFICE
DESIGNATION IN CHARLOTTE,
NORTH CAROLINA

(Mr. WATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT. Mr. Speaker, later today, with the bipartisan unanimous support of the members of the North Carolina delegation, I will be dropping a bill to rename the United States Post Office at 2127 Beatties Ford Road in Charlotte, North Carolina, in honor of Jim Richardson, one of my constituents.

James Franklin Richardson, Sr., known by most people simply as Jim, was born in 1926 in Charlotte. In 1949, Jim began a 33-year career with the United States Postal Service. During his 33-year career, Jim had numerous positions, including Postal Service Clerk in the Charlotte Post Office and Railway Postal Service Worker. He subsequently held a number of supervisory positions and retired as the U.S. Postmaster in Mt. Holly, North Carolina, receiving a certificate of appreciation from the U.S. Postal Service.

I honor him today and will drop this bill. I ask for support from my colleagues.

Mr. Speaker, I rise today to honor Jim Richardson, a man who has dedicated a lifetime to making the world around him a better place. As a lasting tribute to Jim's dedication to his country, his community and to the State of North Carolina I will shortly introduce legislation to designate the United States Post Office at 2127 Beatties Ford Road in Charlotte, North Carolina as the "Jim Richardson Post Office."

Mr. James Franklin Richardson, Sr., known by most people simply as "Jim," was born on May 20, 1926 in Charlotte, North Carolina. He grew up in Charlotte where he attended Isabella Wyche Elementary and graduated from Second Ward High. Jim served in the United States Navy during World War II and, following an honorable discharge, attended Johnson C. Smith University, where he graduated in 1949 with a Bachelor of Science degree in Physical Education and General Science.

In 1949 Jim began a 33-year career with the United States Postal Service. During his 33-year career, Jim held numerous positions within the Postal Service, including serving as Postal Service Clerk in the Charlotte Post Office and later as a clerk with the Railway Postal Service, where he served on many train routes. When mail routes on trains were eliminated, Jim returned to the Charlotte Post Office and held a number of supervisory positions. He served the last eight years of his tenure as U.S. Postmaster in Mt. Holly, North Carolina and received a Certificate of Appreciation from the United States Postal Service in Recognition of Exceptional Performance in the Interest of Improved Postal Service.

In 1985 Jim was elected to the North Carolina House of Representatives, where he served one two-year term before being elected to the North Carolina Senate in the Senate District I previously represented. He served four terms in the state Senate before his retirement in 1994. With strong, bi-partisan encouragement, Jim ran for and was elected to the Mecklenburg County Commission where he served six years. There are few people I know in North Carolina who enjoy the kind of bi-partisan admiration Jim has that I believe results from his affable demeanor, willingness to work on issues across party lines and willingness to vote his convictions without regard to partisan expectations.

I hope this House will join me by honoring Jim Richardson for his civility and for his role as a true American patriot, a great communicator and a tireless voice for the voice-less.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent to proceed with my special order at this time.

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

There was no objection.

THE LACK OF FEDERAL RESOURCES ALLOCATED TO LOCAL LAW ENFORCEMENT, AMERICA'S FRONT LINE IN THE WAR ON TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CARDOZA) is recognized for 5 minutes.

Mr. CARDOZA. Mr. Speaker, I rise today to address the lack of Federal resources being allocated to local law enforcement officials, our front line in our war on terrorism.

Several weeks ago, I sent out an e-mail asking first responders from my district to attend a brown bag lunch to discuss the challenges they face. With less than 24 hours' notice, nearly 60 law enforcement officials and fire professionals changed their schedules and attended this meeting.

While in nearly every case they support the administration's efforts on terrorism, as do I, to an individual they were disappointed in the lack of resources provided by their Federal

Government. These men and women are made of the same mettle as the first responders who were on the scene September 11 in New York City and in Washington, D.C., but they need the tools to do their jobs. They have communication systems that are woefully inadequate for the jobs they need to do.

□ 1415

Fire and police are unable to communicate on the same radios. Regrettably, the supplemental the administration just sent over does not address these needs. While it provides overall increases for homeland security, it contains no funds to provide interoperable communication equipment so that police, firefighters and emergency workers can talk to one another during an emergency.

I am hopeful that these concerns are addressed as the debate on the supplemental bill progresses. Our first responders must have enhanced communications equipment to respond adequately to emergencies. If police, firefighters and other first responders are unable to communicate with each other, lives will be lost due to lack of coordination; and that simply should not happen.

Let me also say that I am sympathetic to the needs of our big cities, especially those that have suffered from terrorist attacks in the past. We should work together to make certain that law enforcement and other first responders in those cities have the resources they need to respond to future threats and attacks.

At the same time, we should not neglect the needs of first responders in smaller communities. Let us not forget, the second largest act of terrorism committed in the United States soil occurred in Oklahoma City, which did not rank high on any list of targets that we have seen recently.

Quite simply, acts of terrorism, by either domestic or international sources can occur anywhere at any time, and our local first responders must have the tools necessary to respond.

In my district, preparing for potential attack also means recognizing the threat posed by agriterrorism or the use of disease or outbreak to cripple the agricultural industry. As we have seen with the outbreak of bovine TB, exotic Newcastle disease, the introduction of an organism that can be devastating to the industry and a threat to the Nation's food supply.

To further highlight the challenge facing our first responders, I want to focus on one of the local law enforcement agencies in my district, the sheriff's department in Stanislaus County.

I recently spoke with our sheriff, Les Weidman, who has got his hands full, not only dealing with the threat posed by future terrorist attacks but also trying to deal with the methamphetamine crisis in California's central valley. Like sheriffs across the country, Sheriff Weidman has seen a dramatic increase in meth labs in our area.

Sheriff Weidman recently held a news conference where he uncovered a link between drug production and terrorist groups. Mr. Speaker, this is a disturbing turn of events. He announced that millions of dollars of profits from drug deals had been diverted to Middle Eastern terrorist organizations. While his efforts are laudable, his small force of 450 officers is barely enough to do the job.

No matter how dedicated they are, without adequate tools they will not be able to get the job done alone. In fact, Sheriff Weidman recently told me that his department cannot afford the most basic protective gear for his deputies because of the cost. Only 35 out of the 450 officers that he has on duty have been issued protective kits against the use of chemical or biological weapons.

Addressing the threats posed by terrorism is a Federal issue with national implications, but dealing with the immediate effects of a terrorist attack will most likely be performed by local law enforcement officers and other first responders. What sort of message is the Federal Government sending to the local men and women on the front lines in our home districts if we cannot even provide them with the basic tools and resources necessary to carry out the most pressing national concern?

I would submit today that we are not doing nearly enough, Mr. Speaker. As we move forward this year and in this session of Congress, I hope we can work together to provide our law enforcement officials with the resources they need to protect our communities. This is not, nor should it be, a partisan issue.

I have been pleased to meet with a number of administration officials since taking office, and I am impressed with the level of commitment and dedication they place in protecting our homeland; but when local law enforcement officials tell me that communications capability is locally inadequate, it is clear to me that we must do more.

Working together, I am confident that we can, in fact, do this. If we mean what we say about providing homeland security for our Nation, we must start by providing support to our local first responders.

COMMENDATION FOR MEREDITH BROADBENT

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, I would like to commend a valuable member of my staff, a treasure who has served the Committee on Ways and Means for over 20 years. Meredith Broadbent, who serves as senior professional staff member to our Subcommittee on Trade, is a noted expert in all areas of trade policy but especially agriculture and textiles, two of the most complex areas. She has committed her career to

developing good trade policy, and she has been involved in every major trade initiative over the last 20 years.

Most recently, she was a key player in granting the President Trade Promotion Authority, according preferential trade benefits to the Caribbean, African and Andean countries, and extending permanent normal trade relations to China. Trade initiatives such as these are good for spurring U.S. economic growth but also to help foster a world that trades in freedom and lives in liberty and prosperity.

Ms. Broadbent's wise counsel, sound judgment, and thorough expertise will be truly missed. I am glad that she will continue to serve her country in the international trade arena as Assistant United States Trade Representative for Industry, Market Access and Telecommunications. She will be a tremendous asset to the Bush administration, and I wish her well.

Moreover, I know as chairman of the Subcommittee on Trade that I will still have the privilege of working with Meredith as our Assistant United States Trade Representative. God bless her.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REMOVE COLOMBIA FROM THE SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, we are facing the first supplemental spending request to fund the war in Iraq and its aftermath and to partially support critical needs for our own homeland security. I expect we will be taking up that debate as early as next week.

I believe it is important that this Congress is finally beginning to debate the costs and the consequences of this war and how it will affect our homeland security, something we have failed to do for the last 5 months.

However, as I read the fine print of the administration's request, I see additional military assistance for Colombia. What is Colombia doing in a supplemental for the war in Iraq? There is a request for \$34 million in military aid for Colombia in the section for the Department of Defense/operations and maintenance to "increase the operational tempo for the unified campaign against narcotics trafficking and terrorist activities."

There is another \$34 million in military aid for Colombia in the State Department section, and there is an unspecified amount for Colombia under the international assistance programs/international security assistance for

foreign military financing, and it is my understanding that the State Department officials have informed some committee staff that Colombia's share of those funds will be around 36 to \$37 million.

All told, that is another \$100 million in additional military aid for Colombia. Mr. Speaker, that is more money than the State of Massachusetts will receive under the supplemental for critical homeland security priorities. It is more than most States will receive.

In Massachusetts, communities are laying off police, firefighters, and other emergency first responders. Dozens of our cities and towns have critical vacancies because many of our local police, our State police, our sheriffs, firefighters, and medical staff have been called to active duty and are right now serving in Iraq.

I have been told that there is just not enough money to help places like Seekonk or Worcester or Southborough fill these critical vacancies to keep our families safe; but apparently there is plenty of cash for Colombia.

Mr. Speaker, there is nothing that Colombia needs that cannot be handled through the regular authorization and appropriations process. Indeed, just last month on February 12, this Congress approved over \$500 million for Colombia for fiscal year 2003, \$400 million for the Andean Counterdrug Initiative, and another \$99 million in foreign military financing.

For fiscal year 2004, the President has asked for more than \$700 million for Colombia in the foreign operations and defense appropriations bills. Those bills will begin moving through subcommittee shortly after Congress returns from our April recess.

U.S. military and other aid for Colombia has been approved and is in the spending pipeline ready to go. On Monday, when he sent up the supplemental request, President Bush asked the Congress "to refrain from attaching items not directly related to the emergency at hand."

Mr. Speaker, Colombia falls into that category. These requests for Colombia are unrelated to the needs of our troops and our missions in Iraq and South Asia and unrelated to meeting the needs of our own homeland security; and I call upon the administration to withdraw the request for Colombia from this supplemental, and if that fails to happen, I ask the Committee on Appropriations to eliminate those requests and shift those resources to help our States and our communities meet critical hometown security priorities.

Mr. Speaker, I was in Colombia in February. I traveled to several sites throughout the country. I met with local military commanders, religious leaders, governors, mayors, labor leaders, school teachers, displaced families, indigenous peoples, Afro-Colombians, lawyers, the magistrates of the constitutional court, members of the Colombia Government and U.S. embassy

staff. I was also in Colombia 2 years ago, and the difference is striking.

Sadly, Mr. Speaker, today the human rights situation is worse. The violence has increased. There is less political space for people to organize, speak out or voice alternatives to official policy. The country is increasingly militarized; and there is little support for basic economic development, unless it comes from other countries or the U.N.

The 40-year-old civil war in Colombia is dirtier and uglier than ever and shows no signs of ending anytime soon. The nature of the U.S. role in that war has changed. We are now more deeply involved in a counterinsurgency than ever before. Americans have died and are being held hostage by guerrilla forces. The Colombian military continues to work with awful right-wing paramilitary forces.

Mr. Speaker, I do not want to see American men and women dying in a war in Colombia where the Colombian military is still reluctant to engage directly insurgent and paramilitary forces. I think it is a mistake for the United States to escalate its military involvement in Colombia.

Some of my colleagues may disagree, but at the very least, this escalation deserves a full debate. We must not allow such a dramatic increase in our military involvement to pass without comment and votes. Congress must assert its proper role.

Withdraw the requests for Colombia in this supplemental. Put that money to better use by supporting our police and firefighters here at home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

(Mr. MCCOTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

(Mr. KENNEDY of Rhode Island addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to take my special order at this time.

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

There was no objection.

USE OF CHEMICAL WEAPONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I come to the floor with an issue that I

feel the Members of this House should think about.

The BBC carried a story on March 27 saying that there was proof of biological weapons found. They found protection suits, gas masks; and officials argued that these precautions were not to counter the threat of coalition attacks, as the Iraqis would know that the United Kingdom and U.S. forces in the gulf do not possess chemical and biological weapons.

Mr. Hoon, who is the Secretary in the British Government, conceded that the discovery of the suits was obviously not conclusive proof that Iraqi forces were set to use chemical or biological weapons, but he added, "It's clearly indicative of an intention, otherwise why equip his own forces to deal with a threat which he knows we do not have?"

I just received an e-mail message from one of my friends in the British House of Lords who said to me there was a news story on the BBC this morning about the U.S. administration saying they may be prepared to use nonlethal chemical weapons in Iraq in an urban situation where it would be preferable to stun people rather than kill them. Now I do not know how we put those two stories together. We think the Iraqis are getting ready to do something; but the BBC, the very same, carries the story which we will never find in an American newspaper or on American television that we are talking about using chemical weapons.

My correspondent went on to say this would be illegal; they are very nasty substances and can kill children. They would be effective against military forces equipped with even rudimentary gas masks. I am sure my colleagues will be speaking out against such a thing. However, it might help them to know that I am hoping to ask our government what action they would take in such a situation.

□ 1430

"My party will certainly call for the U.K. troops to cease work with American forces if they use illegal chemical weapons, even nonlethal ones. If it happens during the Easter recess, we would call for a recall of Parliament to debate it."

Mr. Speaker, I bring this to the floor because the media in this country has done a terrible job reporting the war. They give us one side, they are all embedded inside our military, and they get whatever they are supposed to put out about what is going on. They are not looking broadly across the horizon at what is happening.

The Washington Post carried a story today that the American people are so dissatisfied with the American press that the number one hit on the Internet is Al Jazeera, a Qatar television station that provides another point of view. Americans are trying to find out what the truth is.

Mr. Speaker, I do not know, I cannot make head nor tail out of this. I looked

quickly to see if I could find the story, but it is not written in the BBC. I have no reason to believe that my correspondent would not tell me the truth. I believe this Congress should look into this issue.

If we are going to start a war in which we are going after a country and we say they have weapons of mass destruction, we know it, but we have not found any, and now the story comes out that we are getting ready to use them. Remember what happened in Moscow when the Chechnyan rebels took over that theater with all those people in there, and the Russian Army used a nonlethal chemical weapon to stun the people, and they had several hundred die? The question is, are we prepared to use those on civilians in Iraq or how do we keep it only on the military and not on the civilians? When gas is spread, it goes around, and people breathe it.

The United States Congress should be made aware of this. I do not go to the secret briefings because I want to be able to talk out here about what I hear in the general public. I do not think that they will tell Members in a secret briefing whether they will use it, but Congress should demand from the people in the war department and the White House as to whether or not they intend to use any kind of nonlethal chemical weapons. Are they talking about tear gas? What are they talking about? We do not want to be a part of doing the very thing that we accuse the Iraqis of.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under a previous order of the House, the gentleman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON of Indiana addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I listened to the previous speaker, and I am curious if the gentleman's preference is tear gas or bullets. I think it is a fair request that it be disclosed, what kind of gas or what kind of chemical might be used, but I think it is somewhat of an exaggeration to say the United States is going to use chemicals like those which Iraq possesses, and those are chemicals like nerve gas, ricin, and

anthrax. I can assure the gentleman that the United States has no intention of using ricin, nerve gas, anthrax or those types of weapons.

I think it is entirely appropriate, if we enter into urban combat, which we have to expect is going to happen, if we have an opportunity, primarily because the civilian population is in a particular facility, if we can use tear gas instead of putting a mortar into the building, maybe we ought to use tear gas.

But for people from foreign countries to stand up and say the United States is using gas, they will be disappointed to find out the type of gas, and I do not know whether it would be used or not, but I think it would make sense to use tear gas if we can disarm and minimize our casualties towards civilians. Keep in mind the United States has done an incredible job on minimizing casualties on civilians.

It is interesting to note that the Iraqis care less about their people because they are willing to use their people as human shields than we care about their people. The United States cares enough about their people that on many occasions we will not return fire because of the Iraqi citizen that is being used as a human shield, but not on all occasions. They should not depend on that working every time. They think less of their citizens because they will use them as a shield. We think more of their citizens because we do not want citizen casualties.

I listened today to some comments from some of my colleagues, and there are two things that I want to correct. One, this is the United States against Iraq; and two, Europe is opposed to this.

In fact, if we look at Europe, Members will find that Jacques Chirac likes to pronounce that France is Europe. France is not Europe. France is a part of Europe. It is not Europe.

Jacques Chirac likes to play like he is the king of the kingdom of Europe. Europe has many different countries, and most of those countries in Europe support the United States of America. The United States of America is not acting alone in this action. The United States of America, in fact, has more allies in this action than we had during the entire first Persian Gulf War, not less, more. And on the European continent, look at the countries that are supporting the United States.

First, perhaps it is more appropriate to look at the countries that are opposing the United States. There are six, three of them being in Europe: France, Germany, and Belgium.

Now look at the countries that are supporting the United States. The British, the strongest ally we have had in a long time, the Italians, the Spanish, the Polish, the Hungarians, the Dutch. I can give Members generally the countries, Afghanistan, Albania, Australia, Colombia, the Czech Republic, El Salvador, Estonia, Ethiopia, Georgia, Iceland, Japan, South Korea, Lithuania,

Macedonia, Nicaragua, the Philippines, Romania. It is not just the United States. It is the United States and the British who are leading the cause, but they have lots of support throughout this world. And when Jacques Chirac speaks about Europe, he ought to be more careful.

It is such a sad case in our history that a long-time alliance and friendship with our old friends in France and Germany has been so denigrated by political leaders in Germany and France who are seizing upon popular opinion to use the United States as a vehicle to bash to continue to increase their ratings in the popularity policy. This alliance and this relationship we have had over there has gone way too many years for it to be trashed by Chancellor Schmidt in Germany and Chirac over in France, but they have done a pretty successful job of doing it.

I can tell Members in my opinion we would not be engaged in military combat today had the French and the Germans, or had the French and the Germans initially in 1992, in 1993, in 1994, in 1995, in 1996, in fact, after the Iraqis gassed 60,000 of their own people, and not with the type of gas like the gentleman from Washington (Mr. MCDERMOTT) was talking about, tear gas and so on, gassed them with ricin. They killed 60,000. But what did the French and the Germans do? Negotiate, negotiate, negotiate. Let us have meeting, after meeting, after meeting; resolution, after resolution, after resolution. Had the French and the Germans and the country of Belgium, had they decided to get tough back in 1992 or any of those other years, we would not be where we are today.

I note that my colleague says the United States started this war. This war was started back in 1991 when Iraq continually defied the world's demand that he disarm those weapons of mass destruction.

There is not a country in the world, including the French, by the way, including Germany, there is not a nation in the world that denies that Saddam Hussein has these weapons or denies that he is a wicked guy. But there are a lot of them that want to do everything they can to get rid of Saddam Hussein except fight him. That is where the French fall in place.

I think it is important for our population to understand, I think it is very important that there are lots of other reasons that Jacques Chirac and Chancellor Schmidt over in Germany are taking on this anti-U.S. attitude and feeding the frenzy to hate America.

Once this gets resolved, take a look at how many contracts the French have with the Iraqis, business contracts. Mr. Speaker, do you know who approved the building of a nuclear plant in Iraq years ago, and the building of a nuclear plant that was justified because they needed it for energy in the country that has the second largest oil reserves in the world? Jacques Chirac approved it when he was prime minister.

Take a look at the history that we have connected with this, and we will find out how inherent these conflicts are. How interesting that Jacques Chirac and Chancellor Schmidt are now saying we ought to be the ones that let our contractors go in and rebuild Iraq after this conflict is over. Their decision has a lot less to do with true disagreements of substance with the United States and a whole lot more to do with business agreements and business contracts and oil.

Let me say something about the oil situation. Many people talk about this is all about oil. It is about oil, but it is not about oil for the United States of America. If it was about oil for the United States or the British, the easiest thing for us to do, and we could do it in 24 hours, is to lift the sanctions, take off the economic sanctions.

I will tell what oil it is about. It is about oil for the French. The French have below-market, large contracts for oil resources from Iraq. That is what it is. If we want to talk about oil, we had better look at the French.

I happen to think that once we are successful in taking out this regime and we are rebuilding Iraq, and the oil that is for the people of Iraq and owned by the people of Iraq, I think the first thing we ought to do is make sure that oil is being sold at the market price, and I think we ought to call up Jacques Chirac and say you have been getting a sweetheart deal for a long time. Guess what? You care about the Iraqi people, we care about the Iraqi people, no more sweetheart deals. The French are going to pay the true value for their oil so we are assured that the people of Iraq get the true value for their oil, and it is given to the people of Iraq. That is how we ought to approach this.

The same thing with Germany, by the way.

Mr. NORWOOD. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from Georgia.

RECOGNITION OF THE 173RD AIRBORNE BRIGADE

Mr. NORWOOD. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Colorado.

Mr. Speaker, yesterday over the northern Iraq city of Bashur, in the deepest, darkest time of the night, the unmistakable and ominous rumblings of C-17 transport planes could be heard overhead. They came in low, delivering roughly 1,000 paratroopers from the U.S. Army's 173rd Airborne Brigade, known affectionately as Sky Soldiers.

□ 1445

They were there to support the U.S.-led coalition of nations to liberate the Iraqi people and end Saddam Hussein's reign of terror.

Their immediate mission was to secure a snow-covered airfield near Bashur that could be used to bring in additional support and supplies. Within hours of their successful landing in the still of the night, by the way, one of the largest of its kind since World War

II, the 173rd Airborne Brigade, the Sky Soldiers, under the command of Colonel William Mayfield, had accomplished their mission.

Mr. Speaker, I am proud of all of our men and women fighting for freedom around the clock today in Iraq, but there is no question I do feel a special kinship and bond with the Sky Soldiers and a keen sense of pride in their contributions during this ongoing military campaign. I feel this way, Mr. Speaker, because I too served with the 173rd Brigade during the Vietnam War.

Since it was originally constituted in 1917 as an infantry brigade and an element of the 87th Division, the 173rd Airborne Brigade has compiled a proud history of wartime accomplishment and distinction. During World War II, the Headquarters Company of the 173rd Infantry Brigade fought in three European campaigns as the 87th Reconnaissance Troop. The troop reverted to Reserve status after war, but in 1963 it was allotted to the Army and activated on Okinawa as the 173rd Airborne Brigade under the command of Brigadier General Ellis Williamson. While training extensively to make mass parachute jumps, the brigade earned the nickname of Sky Soldiers. The brigade was deployed to Vietnam in 1965 and became the first major ground combat unit of the U.S. Army to serve there. At its height in Vietnam, the 173rd had roughly 3,000 soldiers assigned.

Mr. Speaker, as I mentioned, the 173rd has a proud and distinguished wartime record. During its more than 6 years of continuous combat in Vietnam, the brigade earned 14 campaign streamers and four unit citations. At the same time, individual Sky Soldiers received 13 Medals of Honor, 32 Distinguished Service Crosses, 1,736 Silver Stars and over 6,000 Purple Hearts. Here in Washington on the Vietnam Memorial Wall, there are over 1,790 Sky Soldier names listed, a lasting reminder of the contribution made to our Nation by the 173rd during the Vietnam War. Today, the 173rd Airborne Brigade is based in Italy where it serves as the European Command's only conventional airborne strategic response force for the European theater.

Mr. Speaker, the 173rd was heard from last night and, make no mistake about it, they will be heard from again. With the U.S. Army's Sky Soldiers on the ground and on the job in northern Iraq, our military campaign to end Saddam Hussein's torturous regime is one step closer to victory. Finally, Mr. Speaker, until that victory is securely in hand and this campaign has ended, let us keep the Sky Soldiers and all of our brave military men and women defending freedom in our thoughts and prayers. All the way to the Herd and God bless.

I thank the gentleman for yielding.

Mr. MCINNIS. Mr. Speaker, I appreciate the gentleman's comments.

I had said in my earlier comments that preceded those comments about

the French and the Germans, I wanted to move from that and talk a little about some of the people out of Hollywood, for example, some of the protesters who in my opinion are spending more time supporting Saddam Hussein than they are the President of our own country. I want to talk about casualties, and I want to just read some letters that I have gotten in the last few days from parents of some of our brave men and women that are over there.

Keep in mind that when we talk about the military forces, we should remember that the military forces that are making this happen, that are protecting this country, that are providing the United States of America with the security and frankly with our liberty and as the former Senator Thompson said today, it is the brave soldier who has allowed us, it is the brave who have allowed us to be a country of the free. What I want to point out is throughout this country, today, in the United States there are lots of military people involved in planning, lots of people involved in logistics. In fact, last night just visiting with one of my colleagues, I said, look, somewhere out there in the logistical divisions of our armed services, somebody has got to figure out how to transport 350,000 tubes of toothpaste every 2 weeks, acquire them, package them, ship them and distribute them so all of our service people have toothpaste to use when they want to brush their teeth. There is lots that has to go into the supply line.

That leads me into my next comment. Remember, we have only been engaged in this conflict for 7 days. One week. I know there were some people that thought that Iraq was just going to willy-nilly lay down and that Saddam Hussein was going to walk off the scene and that our tanks were going to drive in as fast as they could to the city hall in downtown Baghdad and have coffee. Those people were so optimistic they were unrealistic. We are 7 days into this now, and all of a sudden I note that some of the national media is looking at the most wild, optimistic reports and since obviously we are not driving into downtown Baghdad to the city hall down there, they are saying, what is happening to the United States? Are we faltering? Is the war plan not working?

You talk about a misconception. You talk about a diversion to what is really occurring over there. The other thing that we have got to be very careful about are the casualties. Good God, we all know how horrible a casualty is; and we have a lot of people, primarily young men and women serving for our country, and they are on the front line and they are engaged in combat. This war and every war is nasty. As Tony Blair said this morning in his press conference, it is a nasty and bloody business. And that is exactly what it is.

But we have become conditioned almost in our society that we can engage in a conflict with minimal or zero casualties. I believe in Kosovo, it was all

taken from the air at many, many tens of thousands of feet; and I think the only casualties we had were accidents. Somehow some parts of the American population are believing that you can engage like this, for the right reasons, by the way, but engage in something like this without casualties. I pulled this article out of The New York Times Today by Todd Purdum. Todd put out of some of the statistics. He talks about the calculus of casualties. The Battle of the Bulge in World War II, 19,000 Americans, 19,000 casualties in the Battle of the Bulge. On one single day, September 17, 1862, at least 3,650 Confederate and Union soldiers died on the field. 3,650 in one day. At the height of the Vietnam War, roughly 200 Americans a week were killed.

He says:

"Modest as the latest losses are by historical standards of combat," speaking of the first Persian Gulf war, the battle with Kosovo and where we are engaged right now, "modest as the latest losses are by historical standards of combat, they have already prompted sharp shifts in public perceptions about how well the campaign against Saddam Hussein is going, though they have not, according to polls so far, reduced overall support for the war.

"But as coalition forces face unexpected complexities on their march to Baghdad, the administration faces the political challenge of preparing a public lull by the relatively low losses in Afghanistan and the first Persian Gulf war for a conflict that could be costlier than some optimists predicted."

That is the point. We cannot assume a self-defeatist attitude because we take some casualties. Imagine if we did not take those casualties today, what kind of casualties we would be passing on to the next generation, because this generation shirked its responsibility, walked away from its responsibility and did not stand up with our allies, which as I mentioned earlier are larger in number than the allies we had in the first Persian Gulf war.

Imagine what the casualties would be 10 years from now if we just pass this problem on to the next generation. Iraq would have been, and we are not going to let it happen obviously, but it would have been if we had not taken this action, in 3 years, in my opinion, and I know quite a bit on both countries, in 3 years in my opinion, Iraq would have been another North Korea. How are you going to deal with North Korea? If you think we have a problem dealing with one North Korea, you ought to try dealing with two North Koreas. Thank goodness we have got the gumption, thank goodness we have the persistence, thank goodness we have the resources and the military might and, frankly, the moral belief that this is just and we know it is just, thank goodness we have the ability to go in there and do this and stop this evil thing.

It truly is a difference between good and evil. Some people say, you sound

like you are preaching from a pulpit. If they knew me very well, they know they would never let me on the pulpit. But first of all let me say to you that it is truly evil we are trying to overcome and there will be casualties. I do not speak lightly of these casualties. I just read about a family whose daughter is missing. She was ambushed. She was a cook, a clerical, the convoy took the wrong turn and drove right into enemy hands. She is missing and that family is going through hell. Every family that suffers a casualty until they find out, one, that their son or daughter is going to make it; or, two, the death of a child, the horror of being in your house and looking out your picture window and seeing a military officer with a chaplain standing there waiting for you to answer your door. This is heavy, heavy stuff. Our President knows it is heavy stuff. The administration knows it.

Look at what we have got. We have got Colin Powell. He has been on that battlefield. He knows what we are talking about when we talk about heavy weight and casualties. DICK CHENEY, a former Secretary of Defense during the first Persian Gulf war. Condoleezza Rice. Take a look at these people. We know the heavy weight, but we must be prepared as a Nation not to let ourselves when we have 27 casualties, we may have 27 or 29 casualties to this point, that all of a sudden we say, My gosh, things aren't going well. We are not going to be able to accomplish this without casualties. But I can tell you the casualties we take as a result of getting rid of this regime will be a fraction of the casualties we as a Nation, we as the United States and our allies would take if we allowed Saddam Hussein down the route he was traveling for the development of his weapons of mass destruction and his propensity to pass those weapons on to terrorists and so on.

I want to just take a couple of moments and read some letters. First I want to read one of my favorite letters. I have noted that many of our international experts whose primary way of making a living are Hollywood actors have all of a sudden rediscovered their expertise in foreign affairs. It is very interesting to put a comparison. For example, Martin Sheen, whom I think got out of high school, to the best of my knowledge has never taken 1 hour of credit in foreign affairs, to the best of my knowledge outside of a good place to make a film has no knowledge of international politics or geopolitical politics is making all the comments that he is commenting. Take his resume and compare it next to Colin Powell. Tell me who knows more about foreign affairs. Yet Martin Sheen and some of his cohorts out there in Hollywood, in Tinseltown out there, are making these opinions. I saw a letter, very interesting, from Charlie Daniels. I thought I would read the letter. It is serious. It is an open letter to the Hollywood bunch. I am quoting Charlie Daniels:

"Okay, let's say just for a moment you bunch of pampered, overpaid, unrealistic children had your way and the USA did not go into Iraq.

"Let's say that you really get your way and we destroy all of our nuclear weapons, stick daisies in our gun barrels and sit around with some white wine and cheese and pat ourselves on the back, so proud of what we have done for world peace.

"Let's say that we cut the military budget to just enough to keep the National Guard on hand to help out with floods and fires.

"Let's say that we close down our military bases all over the world and bring our troops home, increase foreign aid, and drop all trade sanctions against everybody.

"I suppose that in your fantasy world, this would create a utopian world where everybody would live in peace. After all, the great monster, the United States of America, the cause of all of the world's trouble, would have disbanded its horrible military and certainly all of the other countries of the world would follow suit.

"After all, they only arm themselves to defend their country from the mean USA.

"Why, you bunch of pitiful, hypocritical, idiotic spoiled mugwumps. Get your head out of the sand and smell the Trade Towers burning.

"Do you think that a trip to Iraq by Sean Penn did anything but encourage a wanton murderer to think that the people of the USA didn't have the nerve or guts to fight him?

"Barbara Streisand's fanatical and hateful rantings about George Bush makes about as much sense as Michael Jackson hanging a baby over a railing.

"You people need to get out of Hollywood once in a while and get into the real world. You'd be surprised at the hostility you would find out here.

"Stop in at a truck stop and tell an overworked long-distance trucker that you don't think Saddam Hussein is doing anything wrong.

"Tell a farmer with a couple of sons in the United States military that you think the United States has no right to defend itself.

"Go down to Baxley, Georgia, and hold an antiwar rally and see what the folks down there think about you.

"You people are some of the most disgusting examples of a waste of protoplasm I've ever had the displeasure to hear about.

"Sean Penn, you are a traitor to the United States of America. You gave aid and comfort to the enemy. How many American lives will your little fact-finding trip to Iraq cost? You encourage Saddam Hussein to think that we didn't have the stomach for war.

□ 1500

"You people protect one of the most evil men on the face of this Earth, and won't lift a finger to save the life of an unborn baby. Freedom of choice, you say?"

"Well, I'm going to exercise some freedom of choice of my own. If I see any of your names on a marquee, I'm going to boycott the movie. I will completely stop going to the movies if I have to. In most cases it certainly wouldn't be much of a loss.

"You scoff at our military whose boots you're not even worthy to shine. They go to battle and risk their lives so ingrates like you can live in luxury. The day of reckoning is coming when you will be faced with the undeniable truth," the undeniable truth, "that the war against Saddam Hussein is the war on terrorism.

"America is in imminent danger. You're either for her or against her. There is no middle ground. I think we all know where you stand. What do you think? God bless America, Charlie Daniels."

I know that is a strongly-worded letter, but there are a lot of people in America who believe in the price that Americans generation after generation have paid so that many of our friends throughout the world can exercise freedom and can enjoy security away from the type of people like Adolph Hitler who were, by the way, as a result of the last century where our Nation went on to European soils, at least twice on to European soils and have thousands and thousands of American men, primarily men by then, although we may have had some women in the nurse corps, but today it would be thousands and thousands of young men and women.

Thousands of men back there in that time period, their bodies are buried on European soils, not because United States had a dog in the fight, but because the United States had a friend in the fight. The United States had a principle in the fight. The United States believes that countries have a right, have a right, to be liberated with freedom, have a right for liberty, have a right to justice. It is the United States of America that has led this world, generation after generation after generation, in striving for equal rights, for rights of people, for the common person, for the American dream, for the ability to travel as we wish, for the ability to go to schools as we wish. It is the United States of America which exports the largest product, the most desired product in the world; and it is the United States of America which is the leading exporter of that product. And what is that product? That product is freedom. It is freedom. And that is what this country is about.

The force we have today, we are not in a draft. Some young man asked me the other day in the office, he said, Sir, are we going to get a draft? I said, A draft would be a huge mistake for this country. The reason why we have a force where everybody in our military now is there because they wanted to be there. Our morale is sky high in the military. It does not help to hear Sean Penn or Martin Sheen out there yapping away. It does not help to see

the banner in San Francisco that I saw on TV, the banner in San Francisco last week that said "Be loyal to our troops, have them shoot their officers." That does not help the morale of our forces, but fortunately our young men and women who are amazingly mature at their age see beyond that. They want to be there. They want to fight for this country.

In that light I just want to read a couple of letters. I am going to read them verbatim. I usually do not like to read, but I do not have this letter in memory. But listen to it: "Dear Mom, it's really your decision to march if you want to or not. You are the one who has to decide if what we are doing here is right or not. My opinion is not yours.

"I do, however, have things I would like for you and Grandma and everybody else at home to know. I am a United States soldier. I was sworn to defend my country against all enemies, foreign and domestic. People may not agree with the things we are ordered to do. I would like to address those people by telling them that terrorism is not only a threat to us as Americans but to many other innocent people in the world.

"What type of country would we be if we didn't defend the rights and the freedoms of others, not because they're Americans but how about just because they're human?

"We live in a country where people feel secure with their daily lives. They do business like usual and don't worry about the thought of terrorism actually happening to them. The people of 9-11 thought the same thing. We now know that it can happen to anyone at any time. Yet as Americans we're afraid of losing our soldiers to defend our security. I can only speak for myself when I say that my life is an easy expense to ensure that my family and friends can live in peace.

"I strongly believe in what we are doing and wish you were here to see for yourselves the honor and privilege that American soldiers aboard this ship are feeling, knowing that we are going to be a part of something so strong and so meaningful to the safety of our loved ones. Then you would know what this potential war is about.

"We will stand tall in front of terrorism and we will defeat it. We as soldiers are not afraid of what may happen. We are only afraid of Americans not being able to understand why we are here." And let me repeat that. This is from a soldier, and, by the way, this soldier, I would guess, is somewhere between 18 and 22 years old. Let me repeat this: "We are only afraid of Americans not being able to understand why we are here. I ask for your courage as Americans to be strong for us." This is a message from the battlefield coming back to us. "I ask for your courage as Americans to be strong for us. I ask for your understanding in what we believe is right. I ask for your support in all that we are sworn to do: defend our country and the life of all."

"We will succeed in our task and will end the threat of terrorism in our backyard. We will also end the threat of terrorism in our neighbor's backyard. We have to remind ourselves of what this country stands for: life, liberty, and justice for all. In order to maintain those rights, we have to stop the threat of terrorism."

"I am proud to be here. I will be coming home but not until I know that it's going to be safe for all Americans and for everyone I love. My family is first. My country is where they live. I will defend it." Signed by a soldier, 18 to 22. And, by the way, when he says "potential war," he is now engaged in combat on the front line in Iraq.

I want to read another letter. Some people would say this is a war against the Muslims or the religion of Islam, this is a war against the Arabs. Keep in mind that there are several Arab countries who hate Saddam Hussein. There are several Arab countries who are assisting our efforts. Take a look at Saudi Arabia. Take a look at Turkey. Turkey, by the way, the only democracy. They are not giving us the help we had hoped, but the fact is they are still in there helping us. It is the only democracy in the Arab world. This is not a conflict about religion. This is not a conflict about America's like or dislike or approval or disapproval of Islam, not at all.

And I want to read a letter from some American Muslims: "Dear Scott, Malik and I want you to know we support the President in our war on Iraq. As American Muslims, we feel strongly that we cannot allow dictators around the world to risk our freedom. If there is anything we can do, please let us know. We hope and pray for the safety and return home of all our soldiers. May they all return home soon. Sincerely, Simi."

I have another letter, and I do not want to bog us down with these letters, but the message I am trying to relay here is the United States of America is on a mission which is just. The United States of America is on a mission that is not going to be finished in 2 or 3 days. It is not going to be finished in day 7. We are 1 week into this. This is going to be a tough battle. Saddam Hussein has got people in his regime. We did not say we are going to come in and take territory and let his regime continue to rule that country. We have said to that regime, We will replace you. You are out of town. You are out of Dodge. You are done. No more of your regime. They have got nothing to lose but to fight for all the corruption, all the weapons that they have, to fight to the very last person that receives the fruits of that regime.

But the people receiving the fruits of that regime are small when we compare it to the people of Iraq that have received the wrath of that regime. The women that have been raped at such young ages, the starvation, the lack of health care, the gassing of their own citizens. Keep in mind years ago in the

United States of America at Kent State University, remember that, the protest of the Vietnam War, our National Guard shot four American citizens. I think we killed four American citizens in a riot. This country went crazy, and I will bet if we look back at Martin Sheen, who was probably a little younger there, but I will bet Martin Sheen was leading the protest. How could a country kill its own citizens? How could this possibly happen? And yet today many of these very people, Sean Penn, Martin Sheen, those kinds of people, turn a blind eye towards Saddam Hussein, who in one incident alone gassed 60,000 people; and if any of the Members want to question that, I would be happy to supply them with the picture of the mother and the daughter and I want them to take a look at their faces. They are not the face of a deceased person. They are the face of a person that died a horrible death, and this man is responsible for it. This man has killed more Muslims than any other man in the history of the world.

And we have our friends, the French and the Germans, who continually through denial after denial after denial through resolution after resolution after resolution just turn a blind eye. It is like ignoring cancer. If I ignore it long enough, it will go away. It will not get worse. I want to pretend it is not there. I do not want to hear the news they have to tell me. I do not want to go through what it is going to take to fight it. I just want it to go away. Cancer is not going to let us; neither will Saddam Hussein.

Thank goodness there are people like the United States and the United Kingdom and the Spanish and the Italians and the Polish and the Hungarians and the Netherlands and the Australians and the Turks and that list goes on to about 45. Thank goodness there are 45 nations in this country willing to stand up to tyranny. Thank goodness those young soldiers right now being shot at, right now while we are talking, right now worrying about whether or not they will be alive in 5 minutes, thank goodness they have the confidence to know that this administration and the majority of the people in this country, 75 percent of the people in this country, are saying to those brave young men and women we are doing what is just, keep up the good fight, we are praying for them and we want them to come home as soon as they can come home and as soon as that mission is completed.

And I will tell the Members something. Our resilience will be tested every day of this war. There is a reason that the Arab television network broadcast those American and yesterday those two British soldiers, their dead bodies. There is a reason they broadcast that, because they think they can psych out the American population and the British population by showing a few body bags. They think they can weaken our stomach, and I

will say nobody can look at those pictures without a weakening of the stomach. It does weaken our stomach. It is horrifying. But if they think for one moment that that is going to weaken our resolve, do not let it happen. In fact, I can tell the Members for the young military men and women over there, it did not weaken their resolve, it strengthened their resolve. It has strengthened that resolve, and that is why having a volunteer force, by the way, I mean those people want to be there, and watch what happens when these people come home. They are not going to be ashamed of the United States of America and the country that they have fought for and been wounded for and the families who lose their loved ones over there. They are not going to be ashamed of this country. They are going to be proud, and they are going to be proud of our President.

Think of the pressure that this President is under. What other President in recent history has gone through what this President has: 9-11, the war on Afghanistan. On some Saturday morning when he is getting up like the rest of us, they call him on the phone and say guess what, the shuttle is missing. We do not know where the shuttle is. They lose the shuttle. Or by the way, Mr. President, we had better take a look at what is happening in Jerusalem. We just had another suicide bomber. By the way, Mr. President, take a look at the economy. For two quarters before you took office, this thing was going bad. It is really in tough shape right now.

□ 1515

Oh, by the way, Mr. President, our good friends, the French, of whom we have time after time after time gone to their assistance, you know, the French have a way of starting a fight and then they back out of it and we are the ones that have to go in there.

And the Germans, Mr. President, they not only are not going to help us, they actively hired lobbyists. They hired lobbyists and got the equivalent of our State Department to travel around the world to lobby other countries to oppose the United States of America.

I will tell you, this President has stood up well. He is a strong leader, and he has got the confidence of the United States Congress, he has the competence of the American people, and he will succeed in his leadership of this mission.

I want to read another letter. This is from parents. They sent it out. They write: "Please feel free to read this." This is a Mr. and Mrs. Corey.

Land of the free because of the brave. Land of the free, because of the brave. Please support our troops.

We are the proud parents of two United States Marines. We will not bother discussing our political views, one party versus another. What we will say is that we do not want our sons nor any of our sons and daughters and husbands and wives or grandchildren in our extended military family to die in vain.

Like most, we pray for peace, but we are sick, literally sick. Why? Because we lived through the Vietnam era and we saw firsthand how our veterans were treated. We are so afraid that it is beginning to happen again. We are not alone. Nor are we the only ones who believe with all of our heart that the key to winning any war on terrorism will depend on how we are here at home and how emotionally we support our troops, regardless of our politics.

Vietnam proved how we defeated ourselves by the way we divided our own Nation and treated our troops. We never lost a battle in Vietnam; we lost the battle on the political front. We are beginning to lose again, and the bullets have yet to fly.

Our sons did not choose to become a United States Marine to kill people. They had dreams of a career, of travel and of protecting us from the terror of 9/11 from happening again. Both sons are the best sons a parent could ever hope for. The thought of someone throwing animal feces at our military when they finally return home, hearing nothing but negative media about how Americans hate them and the war, the thought of what it would do to our servicemen and women's spirit, scare the military families to the point of sleepless nights.

The media, stronger than the White House itself, can change that fear, help keep it from being a reality. Everyone is quick to show the war protestors out marching. What has been done to show those who support our forces? We are not marching on the streets, we are not chanting and screaming clever chants. We are not holding up signs. We are not throwing blame or calling names.

No, we are at home, boxing care packages to our service people. We put yellow ribbons on our doors, trees, car antennas, blue star flags on our windows. We pray 100 times a day, and we light a candle every day. We are sending birthday cards, thank you letters, notes of cheer, to the members in the service whom we have never met, nor may ever, because they are our extended family in the service. They need to know, amidst all the bad publicity, there are those of us who are grateful for their choice and sacrifice for us to live in the land of the free, because of the brave.

You have never read about us in the headlines. So what can be done? What can a community do? The answer is simple. Our community, including our schools, could begin by starting patriotic projects such as write a letter, send a card of encouragement, a mere thank you. In our son's shop alone there are five lonely marines who have no family back home to encourage and send support.

Regardless of how one feels politically, our service people need our support emotionally; not ticker tape parades, but support for the job they do.

A San Diego columnist quoted a marine as saying, "comes with a job description of taking a bullet for a mere \$14,000 a year."

Our service people do not make the policy, they follow orders. They chose to join for their own reasons. They all share one common belief, and I want to repeat this, they all share one common belief, and that is that you and I are worth dying for.

Think of that. "They all share one common belief, and that is that you and I are worth dying for."

The American people need to be reminded of that. It is not a matter of free speech or our President or who is right or who is wrong. It is a matter of starting a better pattern for the future return of our loved ones when they come home, throwing flower petals versus stones, of saying "thank you" instead of "go to hell."

We hope we can count on you to take up the cause. If you would like to show your support to our troops by sending letters, cards and care packages, it would be most appreciated. May you know you have no need to worry, for our service members have your back covered. Sleep well.

I want to repeat that. "May you know," may you know, "that you," you, "have no need to worry, because our service members," our men in the military forces, "have your back covered."

These are the kind of letters that, in my opinion, express what is so, so fundamentally important about this country. This Nation truly is the lead country in the world, closely followed by many of our allies like the British, as a country that believes in freedom but understands that freedom requires sacrifice, freedom requires a price.

Look at what that says for a Nation like ours, when we have young people, voluntarily, voluntarily join our armed forces to make sure that the people that are not on the front line but that are home will get to enjoy security, liberty, justice for all, freedom.

Think about it. It is so important that the time has come for people to put down their signs of protest and raise their signs with simply two words: "Thank you." Thank you. It would not be too much to ask of Martin Sheen to take the tape off his mouth that he had on there yesterday. It wouldn't take too much to ask those people in San Francisco carrying a big banner that says "support our troops, shoot their officers," it would not be asking too much of those people to put down their sign and replace it with a sign that simply says "thank you." It would go a long, long ways.

Mr. Speaker, I ask that all of you, all of you, say a prayer to whatever supreme being you believe in, say a prayer for these men and women that are standing on the front line so the rest of us can be back here and feel secure. They are there for the right reason. They are there on a mission. They will accomplish their mission. It is not going to be done in 7 days. There will be casualties. In war, you have good days and you have bad days. You have good days and you have bad days.

A weakening of our resilience, a weakening of our resilience, those of us not on the front line, those of us back in this country, that weakening will be sensed by these people. We cannot allow our resolve to weaken. We must stay strong, as we have, and we must send our prayers and our hopes to these young men and women over on that front line.

So, Mr. Speaker, in conclusion, once again, I would be awful proud of Martin Sheen and Sean Penn and many of those other people, Julia Roberts, the Dixie Chicks, people like that, I would be awfully proud of them if, just for a change, they would carry that sign that said "thank you."

KEEP TITLE IX INTACT

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 60 minutes as the designee of the minority leader.

Ms. SLAUGHTER. Mr. Speaker, in 1972, about 30,000 women played college sports. Today, that number has increased by more than 500 percent.

In 1972, about 200,000 girls played high school sports. Today, that number has increased by more than 80 percent.

Mr. Speaker, it is no coincidence that women and girls have more opportunity today than they did 30 years ago. That is not because they have more interest than they used to, and it is not because they have more ability than they used to. The increased opportunities are attributable to one law, Title IX.

Title IX of the Education Amendments of 1972 is the Federal law that prohibits sex discrimination in education. It states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

In essence, Title IX requires schools and colleges receiving Federal funds to give women and girls equal athletic opportunities, including athletic scholarships, equipment, coaching and facilities, among other benefits.

Unfortunately, Title IX has come under assault. Those who favor changing Title IX argue, mistakenly, that it has led to the disappearance of athletic opportunities for male athletes. While both sides of the debate over Title IX athletics policies agree that they should allow for gender parity and overall fairness in sports, the real question that begs to be answered is, what constitutes fairness?

For those who wanted to alter Title IX and how it has been implemented, fairness means that male athletes should have a monopoly over opportunities and resources for their programs, regardless of how underfunded or non-existent similar programs for female athletes may be.

For these challengers to Title IX, it is fair that, while more women than men attend college, only 42 percent of all college athletes are women. For them, it is fair that females currently receive 1.1 million fewer, 41 percent, opportunities at the high school level and 58,000 fewer, 38 percent, opportunities at the college level than do their male counterparts.

This ill-conceived notion of fairness that opponents of Title IX put forth justifies the fact that men currently receive \$133 million more than women in athletic scholarships. Division I-A colleges and universities allocate on average 71 percent of their scholarship money for men's athletics, and their recruiting dollars for male athletes double those spent on female athletes.

Opponents of Title IX charge that the law takes money and opportunities away from men's athletics. What these people fail to realize is that Title IX does not deprive men of athletic resources. The real problem is that the resources that male athletes receive are distributed inequitably among men's sports.

Take these statistics, for example. Football and men's basketball consume 72 percent of the total men's athletic operating budget at Division I institutions, leaving other men's sports to compete for the remaining funds.

Sixty-eight percent of the increased expenditures for men's Division I-A sports programs from 1998 to the Year 2000 went to football alone. The increase for football exceeded the entire operating budget for women's Division I sports in 2000 by over \$1.69 million.

What is more, large football and basketball programs are not as revenue producing as Title IX proponents claim. The vast majority of NCAA football and men's basketball programs spend more money than they bring in. In fact, 64 percent of Division I and II football programs do not generate enough money to pay for themselves, much less any other sports. In 1999, these programs reported annual deficits averaging \$1 million for Division I-A athletics.

Now, do not get me wrong, I love football, and I graduated from the University of Kentucky, so I love basketball. I just do not believe that our little girls should be denied the opportunity to play sports so that football teams can dip from a bottomless fount of funds.

Opponents of Title IX not only feel that this gross imbalance is fair, but they oppose any efforts to salvage the progress that has been made. It bothers me deeply that opponents of Title IX say that male athletes are treated unfairly. Although 30 years of progress since Title IX have seen sports participation for males and females grow, female athletes are still not treated equitably.

I urge all of my colleagues to cosponsor House Resolution 137, expressing the sense of Congress that changes to Title IX athletic policies contradict the spirit of athletic equality and gender parity and should not be implemented and that Title IX should be kept intact.

My resolution has been signed by both Republicans and Democrats, by men and women.

□ 1530

It is receiving this wide support for one simple reason: it is the right thing to do. Most Americans know that it is the right thing to do. A Gallup poll in early January reported that seven out of 10 adults who understood the law supported keeping title IX intact and rejecting any changes. In fact, a Wall Street Journal poll from January found that 66 percent of Americans go so far as to favor cutting men's teams

in order to ensure equal athletics opportunities for women.

Any changes to title IX must be rejected on their face because tinkering with the law in any way implies that title IX does not work and that it needs improvement.

I come from the "If it ain't broke, don't fix it" school; and, Mr. Speaker, title IX is not broken. Title IX has been the dam that holds back gender discrimination in educational programs for 30 years, allowing millions of young women the opportunity to pursue goals of which their predecessors, including me, could only dream.

I am standing here to defend the integrity of this landmark civil rights law because it is the right thing to do, but I also rise in honor of my dear friend and beloved colleague, Patsy Mink. In 1972 Patsy helped to enact title IX and in honor of her valiant work, Congress renamed title IX the "Patsy Mink Equal Opportunity in Education Act." She would be standing right here beside me if she were alive today. She struggled for 30 years to protect educational equity for men and women, and it is the memory of the beautiful legacy that she left behind that we must not give up on the fight to preserve equality for women.

Opponents of title IX are trying to redefine what America sees as fair. As a consistent defender of gender equality and protection of equal rights for all of our citizens, male and female, I am outraged by this particular brand of fairness. Patsy would have been outraged as well, and she would not have tolerated it.

I hope all of my colleagues will join me with our Republican and Democratic friends who support this legislation as we all fight to preserve the integrity of this landmark law. Please cosponsor this title IX resolution for Patsy Mink, for our Nation's girls, and for the sake of equality.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise to express my support for title IX. As my colleagues may know, title IX is facing sharp criticism from the Bush administration for being discriminatory. Despite the overwhelming successes and support that title IX enjoys, Secretary Rod Paige created the Commission on Opportunity and Athletics to determine whether this measure needs to be updated for the 21st century. The commission's recommendations could result in the loss of thousands of slots on teams for female athletes and millions of scholarship dollars.

Donna de Varona and Julie Foudy, Olympic Gold medalists and members of the commission, refused to sign the proposed changes to title IX. In their minority report, Foudy and de Varona cited various problems in the commission's process, including the omission of representatives of high school athletics, failure to examine potential remedies for discrimination against women and girls, and profound imbalance

of viewpoints in panelist testimonies. Even though Secretary Paige said he would not consider certain controversial proposals to alter the landmark legislation, there is growing concern over his sincerity, since he did not withdraw the recommendation to use interest surveys to estimate how many girls are available to participate in sports. Both de Varona and Foudy withdrew their support of this proposal.

There is concern from the Bush administration that title IX has adversely affected men's sports programs, such as gymnastics and wrestling. However, these sports faced the greatest decline since 1982 and 1992, when there was little enforcement of title IX. There are reports that programs such as football and men's basketball take more than their fair share of the athletic budget, leaving insufficient funds for other sports, regardless of gender.

When rethinking title IX, we must go back to its original purpose, and that is to ensure that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance." I support, Mr. Speaker, equal opportunity for both sexes and believe resources can be allocated under title IX to both male and female athletic programs in an equitable manner.

Title IX does not apply solely to athletics. It includes access to educational programs too. Title IX and the Women's Educational Equity Act of 1974 have opened doors for women seeking a college or postgraduate degree. In 1972, the year title IX was signed, women earned just 7 percent of all law degrees. By 1997 they received 44 percent. Five years after title IX was signed, women earned only 9 percent of all medical degrees. But because of title IX, 41 percent received medical degrees.

So we see title IX indeed can work.

Education is the key to a better life, and title IX has greatly aided a woman's ability to achieve the American dream. I will continue to support title IX and to encourage my colleagues to do the same. It is a question of equity, Mr. Speaker.

Ms. SLAUGHTER. Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY), a tireless fighter for gender equity.

Ms. WOOLSEY. Mr. Speaker, I am pleased to join my colleagues today in support of title IX, and I would like to thank the gentlewoman from New York (Ms. SLAUGHTER) for organizing this afternoon's effort.

As we stand here today, title IX is being threatened by recommendations from the commission on title IX, a commission appointed by President Bush and his administration to study title IX, hoping to alter the law.

Before title IX, fewer than 30,000 girls participated in intercollegiate ath-

letics. Today, more than 100,000 women compete. In high school, fewer than 7 percent of girls played various sports prior to title IX, and today, the number of participants has increased to 40 percent, over 40 percent, as a matter of fact.

Do these gains mean that the work of title IX is finished, and that it is time for the supporters of title IX to take their balance and go home? Absolutely not.

Contrary to the scare tactics being used by opponents of title IX to say that women's sports are using up athletic funds needed for men's sports, the facts show that women, even with title IX, continue to receive far less funding for their sports than men. It is a fact: title IX does not deprive men of athletic resources.

In fact, the real problem is that the resources that the male athletics receive are distributed inequitably among men's sports. In addition, schools choose to eliminate teams for many reasons, and all of those reasons are not related to title IX.

In fact, I had a very interesting experience as a member of the Committee on Education and the Workforce when we had a hearing on title IX quite a few years ago, I think it was about 5 years ago, as a matter of fact. I sat there and I listened to the witnesses at this hearing tell us that men's wrestling, men's football, and every sport that the guys are interested in were being threatened because of women's sports and because of an investment in title IX.

Somehow or another, they made a big mistake. They brought forward an individual representing San Francisco State University who sat before us and told us that the men's football program at San Francisco State was eliminated because of title IX. Well, I had my ability at that point to contradict, because, Mr. Speaker, one of my sons, I have three sons and a daughter, all athletes, including my daughter. One of my sons was an all-American football player from San Francisco State University. He was a tackle. He was the captain of the defensive team, and I went to every single game. Mr. Speaker, I loved cheering for that kid and that team. Well, there were no programs at the games, there was no band, there were no food vendors, and the reason was, nobody at that school was particularly interested in football. And I knew that, we knew that, and a few years after my son graduated from college, the program was discontinued. But it had nothing to do with title IX; it had to do with the fact that at that time in San Francisco at that particular university, it was a State University, there was just no interest in the program.

Title IX, therefore, must continue to be defended. We cannot have it used as the reason for men's sports not getting their due when they get more than their due. In my own State of California where women make up over 56 percent of the full-time students at our

108 State and community colleges, women's sports receive 35 percent of the athletic budget. And let me remind my colleagues, they make up 56 percent of full-time student bodies.

In Georgia, more than 86 percent of the legislative branch for stadiums, for lighting and equipment at public schools went to boys' sports projects; 86 percent. So while title IX is transforming the playing field for men's and women's sports in general, it is not level yet.

Mr. Speaker, we need to keep title IX strong. We need to fight any attempts by this administration or Congress that will weaken its effectiveness. It is not just because we want girls to get to play; it is because when one plays on a team or when one is in an individual sport and that sport is valued at all, one learns. One learns competitiveness; one learns how to compete with one's self and do better the next time; one learns how to win and one learns how to lose, and one learns how to play on a team. All of that plays out later when one is involved in the business world, when one is involved in raising children, when one is involved in knowing how important one's own self-esteem is and how important it will be to raising one's children. So we must strengthen title IX. We must never weaken its effectiveness.

MORE SUPPORT FOR TITLE IX

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. HOLT) is recognized for the remaining time of the gentlewoman from New York (Ms. SLAUGHTER).

Mr. HOLT. Mr. Speaker, I rise in support of title IX. Title IX of the educational amendments of 1972 have really been instrumental in prohibiting discrimination on the basis of sex by mandating gender equality and educational programs and activities receiving Federal financial assistance.

Before the passage of title IX, when I and most of our colleagues were in college, many schools saw no problem in maintaining strict limits on admission of women or in simply refusing to admit them, or in denying them access to much of the opportunities within colleges and universities.

□ 1545

This has changed dramatically since the passage of Title IX. The effects of the legislation are evident in the success of women in the classroom, on the campus, and in our society at large.

In 1972, women received only 9 percent of medical degrees, 7 percent of law degrees, a quarter of doctoral degrees. By 2000, women received 45 percent of medical degrees, 44 percent of law degrees, and 44 percent of doctoral degrees. There is a connection.

Thanks to Patsy Mink and others who fought to get Title IX into the legislation, women now have opportuni-

ties on the athletic field, throughout the campus, and throughout their lives. By participating in sports, young women realize significant benefits that often correlate to achievement in the classroom and, ultimately, success in college and in the work force.

Women who participate in athletics have higher graduation rates and develop important skills like teamwork, leadership, discipline, that stay with them throughout their lives.

Attacks on Title IX have taken on really ludicrous dimensions. I have heard some teams, male teams, blame their losing seasons on Title IX. I am sorry, it just does not wash. Title IX is a success. It is a great boon to our society, to our economy, to the education of our people.

Unfortunately, the administration is considering proposals that would dramatically weaken the important provisions of Title IX. Female athletes stand to lose scholarships, they stand to lose chances for athletic participation, they stand to lose much of what we have gained since Patsy Mink fought to get Title IX into law.

We may not allow, we cannot allow this to happen. We cannot allow the administration to diminish the opportunities afforded to American women or to undo the progress we have made over the past 30 years. Title IX has enabled millions of young women to pursue goals which their grandmothers and mothers could have only dreamed of.

Mr. Speaker, I hope all my colleagues will join me as we work to preserve the integrity of this landmark law.

QUESTIONING WISDOM OF HUGE ECONOMIC AID PACKAGE TO TURKEY

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House floor this evening to speak about what I consider to be a dangerous precedent that is included in the supplemental appropriations bill. In the bill that was sent to Congress only a few days ago, the President requested an astounding \$1 billion in aid to Turkey that can be leveraged into \$8.5 billion in loan guarantees.

Mr. Speaker, I have a number of concerns about this deal which I do not believe have been addressed. Over the last few months, I have repeatedly questioned the wisdom of providing Turkey with a huge economic aid package. In a letter I wrote to Secretary of State Colin Powell on February 24, I expressed my displeasure at the size of the economic package to be provided to Turkey.

Estimates on that initial deal ranged from \$6 billion to \$30 billion. Despite the sum of money that was offered, Turkey did not provide the bases we were already using to enforce the no-

fly zones over the last 12 years in northern Iraq. It appears that, because of this decision, our forces were forced to show their flexibility and ship south to Kuwait to engage in combat in Iraq.

Only last week, after the bombing of Bagdad began, did Turkey even grant the U.S. military the ability to have overflight rights, and Turkey was the last government in NATO to provide these rights. It appears that even though they did this reluctantly, they will still benefit from a huge aid package in the supplemental bill.

Mr. Speaker, I firmly believe this package is inappropriate, given the minimum amount of assistance that Turkey is providing to the United States.

I am also not convinced that Turkey will not enter the Kurdish region of northern Iraq. Although the President and members of his administration have assured the American public that Turkey will remain on the sidelines, Turkey continues to amass large numbers of Turkish forces along their border with Iraq. These troops' mobilizations have led the Kurdish militias to set up defense positions along the border as well, creating an unnecessarily tense situation.

Mr. Speaker, the Turkish government also has not promised to stay out of Iraq. They have stated for months that they intend to enter northern Iraq to set up a buffer zone to not have a repeat of the refugee crisis from the 1991 Gulf War. But after it became clear that the administration would be working closely with the Iraqi Kurds to deal with the impending humanitarian crisis, the Turkish government switched their stories. This past Saturday, Turkish foreign minister Abdullah Gul said his government would send forces into northern Iraq to suppress "terrorist activity."

Mr. Speaker, the Turkish government has repeatedly called their own Kurdish citizens terrorists in the last few years. The Turkish authorities have recently banned one Kurdish political party and are currently working on banning the other. They have also not fully implemented reforms to give their minority populations property and language rights, one of the many conditions that the European Union set during Turkish entrance talks.

The tragedy that would occur should the Turkish government enter northern Iraq would be immense. Turkey has repeatedly shown its inability to govern the Kurds even with marginal respect for human rights in its own territory. By calling Kurds in Iraq terrorists as they threaten to enter Iraqi sovereign territory, the Turkish government is not only risking the outcome of the current conflict between the United States and Iraq but the future of the entire region.

Mr. Speaker, I do not believe that any money should be given to Turkey without a number of assurances. Humanitarian concerns aside, I also do not agree that the aid package to Turkey will make a significant economic

impact for the Turkish people. The Turkish government's inability to implement economic reforms mandated by the International Monetary Fund continues to plague their banking and economic systems.

Mr. Speaker, the supplemental appropriations request will undoubtedly pass. No one in this Congress will obstruct the important funds that need to get to our brave men and women putting their lives on the line in hostile territory.

However, in order for Turkey to receive their huge economic aid package, I believe the Turkish government must fulfill the following commitment: that Turkey agrees to allow unfettered U.S. and international humanitarian aid transited through and/or being staged in Turkish territory in support of the northern Kurds; second, that Turkey explicitly agrees not to cross into northern Iraq, as demanded by President Bush; third, that Turkey agrees they can provide only logistical support to the humanitarian effort in the north; fourth, that Turkey agrees to economic and banking reforms, as specified by international lending institutions; and, fifth, that Turkey provide full minority rights to its citizens, as provided for in international and European conventions.

Mr. Speaker, we should not be willing to provide huge sums of money to countries that twist our arms in times of need. I hope we can address these needs while debating the President's supplemental appropriations request next week.

THE PLIGHT OF THE NATION AND THE WORLD RELATING TO CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate this opportunity to bring to the attention of this Nation and my colleagues the combined plight of the Nation and the combined plight of the world, particularly as it relates to children.

It is certainly important, Mr. Speaker, to note that we have been engaged in a budget process. That budget process will be impacting the children of the Nation, so I wanted to speak today about how we need to turn this Nation around.

I am reminded, Mr. Speaker, that just a few years ago we had great focus and concern on the high schools of our Nation as gun violence broke out across the Nation in urban areas, rural areas. It was baffling to most of us. The most striking was Columbine. Enormous carnage occurred at the hands of young people.

During that time, we had many meetings in this House and great concern with funding for juvenile programs; great interest in gun reform, if

you will; a lot of intensity and focus on how we could best stop the gun violence. It always seems that we attempt to close the barn door when the horse and the cow have escaped.

Now, some few years later, Members do not hear us talking about what we do about violence in our high schools, gun violence in our high schools. We do not talk further about the question, if you will, of providing resources for school counselors, guidance counselors.

I have legislation, Mr. Speaker, that would increase the number of community mental health clinics, increase the number of guidance counselors who can separate themselves away from paperwork. Yet this body has not seen fit to focus on legislation that, in essence, Mr. Speaker, would promote our children first.

After 9/11, there was a great notation that in New York many children were left abandoned or orphaned because they were being raised by single parents in many instances, or their parents were in foreign countries, the other parent. Interestingly enough, Mr. Speaker, interestingly enough, we found out that that was the case.

This body over a period of weeks passed legislation that I was very gratified that I had authored that the children of 9/11 in governmental benefits would be promoted first, would be first over others to receive benefits, responding to a crisis. Why do we not respond to the needs of our children now, Mr. Speaker, before the crisis?

Right now in our schools we are finding out that young people are failing in their standardized tests; that there is an unequal, if you will, educational system, separate and unequal, in many of our rural and urban areas. The physical plants are crumbling.

Just last week, I had the opportunity to talk with some of my school districts.

□ 1600

In speaking to them, and asking the hard questions about homeland security, they are proceeding to put in place that their skills will be safe houses, safe places, a safe plan so that parents would know if there was a crisis, that they did not need to run quickly to the school to take their child away. They might be in danger, but is it not interesting that this body has not seen fit to pass a program to rebuild our schools.

A plan that we have offered, the Democrats have offered over and over, the school construction plan, to rebuild America's crumbling schools. We could have done this two sessions ago, but our good friends on the other side of the aisle thought that this was an unnecessary expenditure and look where we are today. Looking at school buildings as potential safe houses, promoting safe plans that would keep children inside schools. Do we not need the same kind of important and well-structured physical structure that, of

course, our good friends would have in more prosperous areas and school districts?

Here we go again, not being preventive, not striking while the iron is hot but waiting for disaster to befall us.

I think it is extremely important that we recognize that our children should be first. So I just want to share with my colleagues, Mr. Speaker, both the plight of our children domestically, because this is a week that we have responded to the needs of children, and to say what more we can do to provide a safe Nation for our children.

First of all, Mr. Speaker, it sounds like we are going astray, but we can eliminate the President's \$726 billion tax cut, and we can do that and focus our investment in the resources that would help not only the children but their parents and their community.

A few of us just spoke a few minutes ago about the waging and raging war. We have said it over and over again. We voted today to encourage a period of fasting and praying, whatever faith a person may have, if they desire to engage in such, a voluntary fasting and praying. We did that today, and one of the Members who spoke at this press conference on the question of peace so eloquently stated, and I recite his words, that we pray for President Bush; that he may be wise in his decisions; and that he may reflect upon options for peace; and that we will have the opportunity to bring these brave young men and women home; that we have the opportunity to press forward on a cease fire; that, in fact, we find our way not to enter Baghdad, to increase the numbers of lost lives of both our troops and others.

The \$726 billion tax cut does not seem to recognize that there must be mutual sacrifice. Today, as we speak, young men and women are sacrificing for us, and they are willing to sacrifice their lives for us. How in the heck, Mr. Speaker, can a \$726 billion tax cut, failing to take into consideration the enormous growing unemployment, the \$280-plus billion deficit right as we speak and the \$1 trillion deficit expected to grow over a decade, how in the world can we afford to pay for a growing, costly war which may cost upwards of \$1 trillion which would include potential occupation and governance of Iraq and maybe even alone, not with our allies? How can we afford a \$726 billion tax cut?

Might I draw from the words of the gentleman from New York (Mr. RANGEL) in the idea of mutual sacrifice. I would not expect that there would be one "no" vote in corporate America and the richest of us in America, one "no" vote to say I will bypass the \$726 billion tax cut for the troops, for rebuilding Iraq and for our children.

We have not been shown by the Nation's media, American media, the devastation that is being promoted or being wrecked in Iraq. I am talking about the civilians. We already know the sanction has caused a huge number

of deaths of Iraqi children. We already know that has been occurring, preceding us entering the country because of their inability to get medical care and food; but we do not know what kind of damage we are facing.

Mr. Speaker, I have been very fortunate as a Member of Congress. My constituents honor me. This body honors me. I am honored to be here, and out of that respect for my constituents, I have chosen to accept invitations to visit our troops, invitations to be in Bosnia, Mr. Speaker, before the peace treaty was signed, the very war that I heard many of my colleagues get up and oppose, and that happened to have been a NATO alliance effort and short lived as it was.

By doing that, Mr. Speaker, I went to cities like Sarajevo and saw the realistic and real devastation of war, buildings, of which we would pride ourselves as being historic, leveled, people walking the streets in tattered clothes. War is ugly.

Kosovo, I saw the devastation of the million refugees marching and fleeing the killing that might have occurred if they had not left their homeland, and I see now still the work we have to do to restore those people. They were living in huge refugee camps; and in visiting those camps, I saw the ugliness of it, the uncleanliness of it, and the pain. The Kosovo war again was NATO allies, but I went because it is best to see firsthand both the presence of war and the vestiges of war.

So it is key that we recognize that we may have to sacrifice to rebuild a nation that we are now at war with. I know Americans are caring people. I know that because we move so swiftly to provide humanitarian aid to our own and to others, and so I know Americans would want to be on the front lines of helping those children and those families in Iraq.

I know that we would want to teach them other than terrorism and other than issues that would divide our world. But, Mr. Speaker, we cannot do it with a \$726 billion tax cut and an increasing amount of dollars for the war. We cannot do it with the budget that has been presented by the President or the budget that has been passed by this House by one vote. We cannot do it to our veterans who clearly do not deserve a 28 percent cut in their budget and as well the door being closed at veterans hospitals on a daily basis. These are veterans that are parents of young children.

Mr. Speaker, I would simply say that we have a lot of work to do if we care about our children. It is a disappointment that we would offer this budget and this approach to America and the world. I am disappointed that the President's budget raises spending on international affairs by substantially more than inflation. The cut to domestic appropriations must be \$129 billion; and might I balance my remarks, Mr. Speaker, because I support our work internationally. I believe it is important to gain friends.

I know that a good friend of mine, former Congressman Cleo Fields, who I am delighted to see has joined us on the floor, was a champion for ensuring that we not only balance friendship overseas, but he was a champion on school issues and the issues of providing for our children, representing his constituents out of Louisiana. Clearly, I can say to my colleagues that I would hope that our work would be befitting of his legacy and that we would not see domestic spending going down.

It is certainly a crisis when we see that over 10 years, \$244 billion in domestic discretionary spending is going out the window. We know what that means, Mr. Speaker. It means the CHIP program, the Childrens Health Insurance Program, that is what is going out. It means that Medicaid for children who need mental health services is going out.

Mr. Speaker, I have some information coming that I think is extremely important, but it means that those kinds of resources are coming quickly, hard hitting, and it is coming on top of States who, as we speak, Texas with a \$12 billion deficit, California with a \$38 billion deficit, other States with enormous deficits. It seems it is coming right when our States are hurting, Governors are hurting. Cities are hurting. It is extremely important.

So I would ask that my colleagues listen as we move toward designing the emergency supplemental, that is, the appropriations that would include funding for the war. I would ask my colleagues to consider the importance of remembering our children, and I would ask them to remember what we are doing when we are cutting funds, and I am going to be citing a few for my colleagues.

We mentioned \$244 billion that we will see cut in domestic discretionary spending below the current service level over 10 years. In addition, the Republican budget requires \$265 billion in cuts to public benefits, as I said, veterans benefits, Medicaid, Medicare. The cuts are likely to hit veterans programs, loans for college students, school lunch programs, Medicaid, pensions for Federal employees and railroad employees and agricultural programs.

Recently, I visited with Forest Brook High School, the Jaguars, almost 500 students in an auditorium. They were so bright. They were a recognized school. They are moving to be an exemplary school. That means they are crossing the T's and dotting the I's as it relates to their academic prowess; but they asked the hard questions about this war. But one young lady, a student, got up and said, Will I be able to have an education? I do not know, Mr. Speaker, with this kind of budget because Pell grants are being cut. Colleges are being cut.

I understand in some legislatures and States that college presidents were asked, send their testimony in writing

because they were too embarrassed to have college presidents come and tell them how many services will be cut and how much they would be raising their tuition. What an embarrassment.

Already, we know that school lunch programs are in jeopardy, and, yes, loans for our college students. What is our concern for the children?

Mr. Speaker, I would offer to say to my colleagues we can do better, and even though we have come to an end in this week's legislative effort, I believe that we have to be responsible in investing in our children and investing in America's domestic tranquility and its economy.

We must be concerned about creating jobs. That helps improve the quality of life of our children because it improves the quality of life of their parent or guardian or that grandmother. We tend to forget things, and that is one of my underlying themes. We are always ready to put out the fire. I would like to make sure we do not have a fire, and we all ran to put out the Enron fire. Lo and behold the collapse of corporate integrity, one of the largest bankruptcies that we have ever seen and the laying off of thousands of my constituents who were impacted, and they impacted the children that they were responsible for.

The Democratic stimulus plan looks to creating jobs. Right now we have got a huge number of jobs being cut. I think upwards of 200,000 and less jobs are being created. The Democratic plan will create about twice as many jobs as the President's budget, and the Republican budget, according to mainstream economic forecasting models, by costing less than one-sixth as much over the long term.

□ 1615

Democrats provide an immediate \$136 billion in tax cuts as opposed to \$726 billion. That is what you call mutual sacrifice. It is a stimulus which we will immediately see. What does that do? It puts the children's parents and guardians back to work. Remember, I have said the children should be our priority. I believe that we have harmed the domestic tranquility.

We have failed our senior citizens by not yet moving on a guaranteed robust prescription drug plan, one that guarantees prescription drugs to our senior citizens. Mr. Speaker, some of them are in fact the grandparents who are taking care of the children in many of our communities through the tragedy of drug addiction or incarceration or for some failure to that child's parent. The grandparent steps in, they have the responsibility of caring for that child, the responsibility of being on Medicare with no other funds and they cannot pay for their prescription drugs. Again, the children are harmed.

And so, Mr. Speaker, I think that we need to begin to look constructively at how we can help the children. I want to go for a moment to education and health care and specifically to the

Leave No Child Behind Act. The Republicans cut 2004 appropriations for Department of Education by \$1.4 billion, 2.7 percent below the 2003 enacted level. However, because Republicans matched the President's funding for several Leave No Child Behind Act programs, their across-the-board cut reduces all the education programs by 10.2 percent below the President's levels and by 8.3 percent below the 2003 enacted programs.

Let me give you an example, Mr. Speaker. Tremendous cuts to safe and drug-free schools, after-school programs, education for homeless children, vocational education and aid to Historically Black Colleges and Universities and other programs.

How does that hit home? It hits home, Mr. Speaker, in the course and manner of real people. Our school districts are not celebrating that you are cutting their safe and drug-free schools because, Mr. Speaker, some of them have been able to access those dollars to help them in their homeland security needs. And so to cut the safe and drug-free schools just puts the responsibility or the burden on the local districts and their dwindling tax base and gives the United States Government another free ride. We are saying to them, do you have a safe plan, are you protecting the children where most children spend a great part of their life, in school; and we are telling them we are going to cut safe and drug-free schools, the after-school programs.

Some years ago, Mr. Speaker, I served as a member of the Houston City Council and in serving as a member of the Houston City Council, I worked very hard to put in place for the city of Houston after-school programs in the parks. Let me compliment Mayor Lee P. Brown and the city of Houston and city council members for continuing that program and having an expanded program that embraces the churches. I was able to add \$1 million to my district a year or two ago to have that after-school program continue. Who knows what will happen now? Here we go dumping our burdens on our local communities. After-school programs are vital because we realize statistically that children get in most of the trouble that they get into from 3 to 7 when parents are working and the latchkey children are bound.

But we apparently in this body are not concerned because the President's budget, and I would imagine the budget we voted on by one vote just a few days ago did the same thing. Homeless children should be calculated as part of homeless families which increase all the time. Transitional home units are not being built but families who are transient, who are moving from home to home, are part of our homeless families and they have children. I know my school district has a large number of them; and we are cutting housing for homeless children, our vocational education which allows individuals to get skills and go from the high school to

the work room with a skill that can provide for them.

Then I am concerned for the historically black and Hispanic-serving institutions. Tragically, of course, we will be hearing the Supreme Court argument on April 1 about affirmative action, the challenge of affirmative action before the United States Supreme Court, and I raise that as a tool, a vehicle for many children in our Nation, young Hispanics, African Americans and other minorities, women included, who have utilized the tool of affirmative action not to exclude anyone but simply to give them a hand up. What a tragedy that this administration in a time when young men and women are in harm's way in the military to be able to note that this government would stand in opposition to affirmative action. We certainly hope that the United States Supreme Court will listen carefully to the arguments, and I believe that they will carefully assess that the University of Michigan affirmative action programs are in fact constitutional. Many of us will be gathering in Houston, Texas, for a summit on the question of affirmative action and the abysmal record of civil rights in this administration because we believe that we do in fact leave children behind if we do not promote the civil rights of a Rosa Parks and Martin Luther King. We do not in fact provide opportunities to continue for higher education.

I think as an aside, it is important to note, Mr. Speaker, that civil rights is a very core part of America's history. There are moments that I was not proud of America, as many of you know, it would be certainly our slave history; but there are certainly moments that we can all be proud of America because she sought corrective measures. Though there was a violent period through the civil rights era of the 1960s and certainly voices being raised of protest, there were moments when America stood tall. The Voter Rights Act of 1965, the Civil Rights Act of 1964, the executive order on affirmative action that Richard Nixon signed, those were positive moments. Why would we stoop to the level that we are stooping to, to have the United States Government challenge affirmative action as a viable tool?

The reason why I connect this to being preventative and dealing with our children, Mr. Speaker, is because in Texas when the Hopwood decision was rendered, we lost large numbers of our Hispanic and African American young people because they were denied admission to our institutions of higher learning. We were willing to lose them and deny them because of, I think, misdirected decisions and others who would represent that they are excluded because of affirmative action. Obviously, I find great pause and question as to why the United States Government could not be on the side of arguing for the constitutionality of the Michigan plan as opposed to being

against it, because I know the ripple effect that will occur if the Supreme Court pronounces it unconstitutional. We will see affirmative action plans being dismantled around the Nation. But to the credit of the private sector, let me congratulate corporate America where large numbers of them have submitted, if you will, and there is a great deal of joy that they have submitted amicus briefs in support of this plan.

And so, Mr. Speaker, I hope that we can all see the importance of being proactive and to be preventative. Certainly we have situations that that is not occurring. As I have indicated, it is extremely important that our children be in the highest priority. I went off a little bit to the side on affirmative action and civil rights because I noted that the cuts would impact historically black colleges and Hispanic-serving institutions. America is only at its best when all of us have access to equal education.

Mr. Speaker, I want to speak to rural America, and I want to speak to urban America. We want to make sure that our educational systems are equal. I want to cite a Governor that I have great respect for, Governor Mark White, who came in and did something in Texas that was innovative and shocking: no pass, no play. The reason why he implemented that and that had to do with playing sports, and we are in Texas a football State. Every Friday night you will find us right where we need to belong with our families watching the football, the basketball, the baseball. To be able to be a Governor and say no pass, no play was outrageous. But he did that because he did not care to say that if you were in a prominent school district, you had the right to a good education. He wanted you to have a good education no matter where you were.

And so the very fact that No Child Left Behind is being cut is a tragedy. The very fact that there are children being tested today and are failing standardized tests is a tragedy because part of the laws that we put in place, Mr. Speaker, for No Child Left Behind was to give those schools who had less moneys and their children were failing, to give them moneys to improve their teaching quality. We wanted to remedy the problem of failing students. We did not want to condemn the school, close the school, condemn the children, condemn the parents. We wanted to help them. But here we go in 2003, failing to provide the kind of support that we need.

Job training has been cut by this budget, and I believe it again undermines trying to get people reemployed. I mentioned to you about Enron. There are many of those individuals still unemployed. Some of them are overqualified. Some of them need to be retrained. They represent a different set of circumstances than those who need more training. But I would argue that we should invest in human capital. Again, domestic tranquility. I want to

give you the figure that the President's funding for Pell grants would reduce the maximum Pell grants by \$50; but over a period of time, that has an impact. This is back to the level of the maximum award in 2002. As I said to you, Mr. Speaker, there are presidents who are saying in State schools that we are raising your tuition. That sort of puts a slice, if you will, to a number of individuals seeking higher education and goes to the question of that student at Forest Brook High School earlier this week who asked, will I be able to get an education? Mr. Speaker, I do not know.

We will also be saying to those children who need Head Start, that 28,000 of you because of this budget will not be able to attend Head Start. I am very proud of my children, as we all are. My son is an 11th grader. My daughter is a new teacher. She is in a program that should be promoted and complimented, Teach for America. She is teaching in one of our schools in Houston. They are wonderful children, first graders. But many of them, Mr. Speaker, were not able to participate in early childhood education where they were exposed to learning and reading, and it is evident in the difficulty of learning to read. This is what will happen if we cut enough funds that it would result in 28,000 low-income children not being able to utilize Head Start. Do we really know what that means, Mr. Speaker? I am not sure we do.

I want to just cite H.G. Wells who said, "Human history becomes more and more a race between education and catastrophe."

Clearly if we allow generations to be uneducated, if we create an equal divide, if we go back to pre-Thurgood Marshall's argument to the Supreme Court in 1954 where we were arguing against allegedly separate but equal, it was separate and unequal, or the Kerner Report in 1967 which said we live in a Nation black and white and unequal. We are back there again in the unequalness of housing, education and health care.

□ 1630

Mr. Speaker, if we are to do that, then we are raising throngs of individual young people who maybe speak a different language, who are now disadvantaged because they are not able to get early childhood education, they are not able to get Head Start. Why would we, Mr. Speaker, want to undermine, if you will, our responsibilities to those young people? And, Mr. Speaker, I think it is important that we fight against not promoting our children first, and clearly the lack of funding for Head Start is one of them.

Might I cite, Mr. Speaker, a rising issue before I address the question of our children living across the world, and that is this question dealing again with our little ones and the amount of money that we are going to see leaving them and going somewhere else. As I do that, let me just cite one other fact

that I think is extremely important, and that is that 50 percent of our children heading towards college are not prepared for college courses. That is a little tidbit that I wanted to add, because it goes to the question of affirmative action. It goes to the question of Leave No Child Behind, that once we cut off K through 12, then of course we are simply cutting off opportunity.

I want to applaud two amendments, or at least one amendment, one by legislative initiative by the gentleman from Pennsylvania (Mr. FATTAH), a constitutional amendment to provide equality for children, a bill of rights for children as it relates to education.

But as I close on that topic, I want to speak to another tragedy amongst our midst, if you will, and that is the question of child abuse. Again, Mr. Speaker, I have said that this discussion this afternoon is about promoting our children, the interests of our children. The work of the Congressional Children's Caucus that I chair has been always to promote children as a national agenda item, which is why legislation such as the 9/11 Save Our Children, the mental health legislation that was promoted, the issues that we discussed on mentoring, the work being done with Afghan children, it is all about recognizing the importance of protecting our children.

So I want to raise the question of where are our missing children and why can they not be found and the fact that we have a crisis in the Nation on efforts to find our children. And I cite Rilya Wilson, the tragedy in Florida. 5-year-old Rilya Wilson was staying with her grandmother in January of 2001 when someone showed up saying they were with the Department of Children and Families and took her away.

A man claiming to need help finding his dog grabbed 5-year-old Samantha Runnion while she played a board game with her friend on the front lawn of her home in Orange County, California. A body was found later in a gruesome pose in a forested area less than an hour's drive away. Unfortunately, a horrible discovery found that she had been molested and asphyxiated. The trail of evidence led police to a man who was acquitted of molesting two girls 2 years ago.

In my own district, we are still looking for Laura Ayala, crying, with her family painfully wondering what happened.

Danielle van Dam's body was recovered.

Jahi Turner, a 2-year-old African American boy, disappeared after we found Danielle van Dam on April 25.

Clearly, we believe that our children are precious, but do we realize that murder is the only major cause of childhood death that has increased over the past 3 decades? About 200 to 300 children are taken in kidnappings by strangers each year, with about 100 of those kids found murdered. Typically black, Hispanic, and poor children are disproportionately represented among that number.

We are gratified and excited that Elizabeth Smart came home to her loving family.

Mr. Speaker, we have a crisis of child abuse and child molestation, and we need to get in front of the problem. So we need a budget that reinforces our support of child abuse prevention. We need to audit the Children's Protective Services in many of our States, and I am going to take a point of personal privilege and suggest that the Harris County Children's Protective Service has been working diligently to find abandoned children or to prevent abandoned children but, more importantly, to be a stickler on ensuring that we are attentive to children we have placed in foster care.

We have had some ups and downs and tragedies. We even just recently had a tragedy with a suicide in one of our mental health facilities dealing with children, and I know that we will be focusing on that investigation in my own community.

It happens to say that we need more mental health facilities for our children. That is a crisis as well. But there is no doubt, Mr. Speaker, that we are abandoning our children to the extent that they need resources, they need education, they need affirmative action, they need civil rights. They need the Children's Health Insurance Program. They need a peaceful world. They need a world without war. They need to bring some of the young parents home, similar to the young Marine who has to make a choice with honorable service to her Nation and a 4-month-old baby because her husband is already deployed on the front lines. They need someone caring about their plight.

So I ask my colleagues as we begin this journey toward the passage of the emergency supplemental, as we pass the budget with one vote, as we talk about a \$726 billion tax cut, where are our hearts for our children? Do we really realize that children themselves need mental health services and they grapple with depression and we do not have enough beds in America for our children, mental health beds?

My dear, dear friend, the late Senator Paul Wellstone, a man that we grew to love, championed for mental health services for all Americans, championed for parity in health care for mental health services, a champion for going to any part of the world to look and to investigate the plight of children, a man who joined me in Houston, Texas where, we listened to 90 witnesses about the plight of children without mental health services. Mr. Speaker, it was clearly a tragic loss, but in his name as we move toward this process, might I simply ask my colleagues to look at some of the issues that I have discussed and as well look at some of the needs of children around the world.

So I will close with simply, Mr. Speaker, sharing some of the sights and the plights of our children. This

may not be an American child, but I have described the pain that we are experiencing in this country and that our budget clearly does not speak to that pain. So I would ask that as we look to our budgeting process that we remember USAID and the funds needed to help the children of the world, and I cite specifically the faces of Afghan children and who knows what other children will be facing a devastating condition.

When I visited Afghanistan, these are the children that I saw, a thousand of them in an orphanage, covered with sores, no school books, no pencils, no paper, very limited resources. Would this not be a better posture for America to take, one of peace, reconciliation, and humanitarian aid as we spend \$1 billion a month in Afghanistan?

These are the children and the faces that need to be helped, mother and child. And there are children that are going to be left in terrible conditions as well, children that we would want to help, our own children, America's children, that do not have Head Start. They do not have health coverage. They do not have housing because we are cutting homeless programs for children. They do not have school counselors who can do something other than paperwork.

The children of America. They are under siege because child abuse is still rampant, sexual predators are about and abound. So as we have done some good things, Mr. Speaker, that I acknowledge, passing legislation that speaks to runaway children and children that are abducted, there is much more work to be done.

I would argue that if we are to be a Nation of values, believing in the Declaration of Independence, that we all are created equal, with certain inalienable rights of life and liberty and the pursuit of happiness, we will respect our conscience. We will respect the work that is done in this body. We will not demean and degrade anyone who rises to speak more for peace than for war. Because we have to make choices, and those choices should be for our children, the longing of these faces who long for us to be credible and to be preventative and to stop the gunfire, the violence, to stop the lack of foster parents and care and the lack of jobs for their parents.

See these faces, Mr. Speaker. Can we not be responsive? Will there not be a signal and a clarion call for the emergency supplemental to not bust the budget and will there be the call for mutual sacrifice, tax cuts that stimulate the economy, not bust the economy?

And, if the Members will, Mr. Speaker, with these smiling faces I end on the note an opportunity to bring the young men and women home to a Nation that will parade them and honor them, but not only that, take care of them and their families. Might this be the kind of bipartisan spirit that this

Congress could engage in to show to the world that America has sought her higher angels and the premises upon which she was founded, to create a more perfect union? Is that not the America we all know and love?

God bless this Nation, and God bless our troops.

"Human history becomes more and more a race between education and catastrophe." H.G. Wells spoke those words in 1920 and they are just as valid today. As our interaction with technology increases in the workforce and in our day-to-day lives it is ever more vital that our young people be educated to manipulate that technology or they will be left behind.

We as a country will indeed be in danger of falling behind. If our youth are not properly educated from very early in life we are at risk of losing them—at risk of losing our future. It is for that reason that I believe that the investment in human capital should be our highest priority. We are shortchanging our Founding Fathers who sought to make this a nation for all.

The Founders knew something that James Garfield would later say, "Next in importance to freedom and justice is popular education, without which neither freedom nor justice can be permanently maintained."

As protecting our freedoms and our way of life is dear to us so must be the provision for and maintenance of our public schools. I understand that issues of student to teacher ratio, teacher's salaries, funding on the federal, state and local levels are all issues that those of us who care about education must address.

Recently, I have co-sponsored a bill that calls on the Secretary of Education to determine whether each State's public school system is providing its students with the educational resources necessary to meet challenging academic achievement standards and to compete and succeed in a global economy. The bill is H.R. 236, to provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes. It contains a student bill of rights that requires providing specified fundamental educational opportunity to students at each and every public elementary and secondary school. The bill also requires providing educational services in school districts that receive funds for disadvantaged students that are, taken as a whole, at least comparable to educational services provided in school districts that do not receive such funds.

NO CHILD LEFT BEHIND—REPUBLICAN BUDGET CUTS

A gap in funding education is harmful to our children's futures as well as to the future of our nation's economy. In fact, poor educational policy is injurious to our society as a whole.

In my district, the Houston Independent School District has more students in special education than in gifted and talented programs: 58.5 percent of Houston Independent School District students are considered at risk and 7.9 percent of Houston Independent School District students study English as a Second Language.

Across the country more than 50 percent of urban college freshmen are not prepared for college courses. That has an obvious detrimental impact on their ability to succeed at the college level. Ill-prepared freshmen also have a deleterious affect on our nation's institutions

of higher education as those institutions strive to provide young minds with an academic environment that allows graduates to become productive members of the workforce. Whole semesters are lost when students have to be instructed at a remedial level even before they can begin basic college courses. To avert adverse outcome support has to be given at the earliest levels of education to our youngest students.

Not long ago Bush signed into law the No Child Left Behind Act, touting the Administration's commitment to education. The Bush Administration has proposed a budget that suggests devastating cuts to primary and secondary education in this country. You should be aware of what that budget proposes and of the profound impact the budget cuts would make.

His current budget cuts funding for Elementary and Secondary Education programs by \$90 million! The Administration's budget would shatter Head Start and threaten the quality services that the program provides.

Head Start programs have helped prepare 20 million disadvantaged preschool children for school. Yet because the House Republican budget would slash funding to Head Start, 28,000 preschool children could be dropped from the program. The Administration's budget would freeze child care for the next five years forcing states to drop 200,000 children over five years. That is 200,000 children who will be dropped from the care they need to enter school prepared to learn. That is 200,000 children who need care while their parents are at work.

The House Republican budget proposal would force deep cutbacks in the Child Care and Development Block over the next ten years. Those cuts will sacrifice child care for thousands more children and families.

These budget cuts are proposed, in order to pay for a tax cut for the most affluent of citizens. The most affluent will benefit while the children will suffer. That is not justice. That is not the American way. That is not how we demonstrate respect for our most important values.

If the Republicans' budget proposal is passed it will demonstrate that America believes children and the poor should subsidize tax breaks for the rich.

If the Republican budget is passed it will demonstrate that health care, Head Start, child care, education, and after school programs are not as important as adding to the bottom line of the wealthiest taxpayers.

In truth, the Republican plan would force severe cutbacks in virtually every essential support for America's most vulnerable children and families over the next ten years in order to hand a \$90,000 tax cut to each millionaire this year.

If, in fact, no child is to be left behind then no dollar should be lost to education at a time when states and localities can least afford to lose them. That's why the proposed budget cuts from the Administration and House Republicans are the wrong choice for America.

The Children's Defense Fund has said, "It is time for new choices that invest more in children than in millionaires, more in the poor than in the powerful. It is time to make our country live up to its promise of fair opportunity for every child and to demand that we truly Leave No Child Behind."

Supporting education, Head Start, and child care is the way to truly began to create equal

opportunity for every child. That equal opportunity should continue beyond pre-school, elementary and secondary school. It should continue into the higher education institutions of this country.

AFFIRMATIVE ACTION

This spring, the Court will decide whether achieving a racially and ethnically diverse student body in institutions of higher learning is a "compelling state interest" such that the consideration of race and ethnicity in public college admissions is constitutionally permissible.

The University of Michigan's admissions policy is at issue. The policy considers race as one of several factors in a constitutionally permissible manner that is narrowly tailored and geared to address the compelling state interest of achieving diversity.

While the University of Michigan does not set aside seats for minority applicants and has no two-track system of considering applications, President Bush falsely described its policy as one dependent on a quota system that rewards applicants solely on the basis of race.

President Bush argues that "some states are using innovative ways to diversify their student bodies. Recent history has proven that diversity can be achieved without using quotas. Systems in California and Florida and Texas have proven that by guaranteeing admissions to the top students from high schools throughout the state, including low income neighborhoods, colleges can attain broad racial diversity."

Bush also says, "In these states, race-neutral admissions policies have resulted in levels of minority attendance for incoming students that are close to, and in some instances slightly surpass, those under the old race-based approach."

In reality, The Harvard University Civil Rights Project has issued two reports that conclude that percent plans are not effective replacements for traditional affirmative action. These percent plans dictate that a certain percentage of every graduating class of every high school in the state is admitted to a state school. Presumably, this removes other barriers to minority enrollment and will provide a diverse pool of students. The percent plans cannot be applied at national universities, private universities, or graduate and professional school programs, and they simply do not yield the levels of diversity that race-conscious admissions policies produce."

In Texas, Florida and California, which the Administration holds out as successful examples of percent plans, there was low minority enrollment in the universities before affirmative action was ended, despite the fact that all three have rising population rates of African-Americans and Hispanics. The Harvard study noted that students in these states face great educational disparities long before the college level, disparities that are reinforced through the percent plans.

Affirmative action is critically needed to achieve diversity in our universities. When students complete their K-12 education they need to know that the doors of higher education will be open to them. The diversity that is sought benefits the entire student body and enhances the educational experience for all students. The plurality of backgrounds and life experiences contribute to the robust learning environment that serves as the hallmark of quality institutions of higher learning.

CHILD ABUSE

Five-year-old Rilya Wilson was staying with her grandmother in January of 2001 when someone showed up saying they were with the Department of Children and Families and took her away.

A man claiming to need help finding his dog grabbed 5-year-old Samantha Runnion while she played a board game with her friend on the front lawn of her home in Orange County, California. A body was later found in a gruesome pose in a forested area less than an hour's drive away. An autopsy revealed she'd been molested and asphyxiated. A trail of evidence led police to a man who was acquitted of molesting two girls two years ago.

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

On April 25th, two months after Danielle van Dam's body was recovered, Jahi Turner, a 2-year-old African American boy disappeared, while playing in a San Diego Park.

In a study by the National Center for Missing and Exploited Children, law enforcement officials identified pictures as the single most important tool in the search for a missing child. One out of six children featured in photo campaigns is found as a direct result of the photo.

About 200 to 300 children are taken in kidnappings by strangers each year with about 100 of those kids found murdered. Typically, black, Hispanic and poor children are disproportionately represented among that number.

Murder is the only major cause of childhood death that has increased over the past three decades. Over one-third of all sexual assaults involve a child who was under the age of 12. One in four children is sexually abused before the age of 18. One of every seven victims of sexual assault is under the age of six.

Over a four-to-five year period, 13.4 percent of sex offenders recidivated with another sexual offense.

Only 22 State sex offender registries collect and maintain DNA samples as part of registration. We know that DNA helped police find the suspect in the case of Samantha Runnion, and it is critical if we are going to capture other offenders. Despite the atrocities against our children, only 22 State sex offender registries collect and maintain DNA samples as part of registration.

HEALTH CARE—CENSUS 2000 STATISTICS ON CHILDREN'S HEALTH CARE

Uninsured rates for different age groups of children are not statistically different: 13.3 percent of children under six are uninsured, 13.5 percent of children six to 11 are uninsured, and 14.5 percent of those 12 to 17 are uninsured.

Hispanic children are far less likely to have health insurance than White or African American children, and African American children were somewhat less likely to have health insurance than White children: 26.8 percent of Hispanic children were without health insurance in 1995, 15.3 percent of African American children, and 13.4 percent of White children.

In 1995, 66.1 percent of all children under age 18 were covered by a privately purchased or employment-based health plan, and 23.2 percent were covered by Medicaid.

Older children are less likely to have Medicaid coverage. Percentages of all children covered by Medicaid in 1995, by age group, were: 29.6 percent of children under six, 22.6 percent of children between six and 11, and 17.2 percent of children 12 to 17. Significantly more African American and Hispanic children than White children were covered by Medicaid in 1995: 45.4 percent of all African American children, 37.4 percent of all Hispanic children, and 18.3 percent of all White children.

In 1995, 3.1 million (or 21.4 percent) poor children were without health insurance. Poor children comprised one-third (32 percent) of all uninsured children in 1995. Over a 28-month period between 1992 and 1994, 30.0 percent of all children under the age of 18 lacked health insurance for at least one month (20.4 million). About 4 percent, or 2.8 million children, were uninsured for the entire 28-month period.

MENTAL HEALTH CARE

As founder and Co-Chair of the Children's Congressional Caucus, I am a staunch advocate for the health and well being of children.

Health care issues have been getting a lot of press as far as Medicare and Medicaid are concerned and also in terms of a prescription medication benefit for our seniors. We also hear a lot about HMOs and insurance coverage. And that is as it should be. Health care is among the most basic of needs concerning the American family. Whether one is unemployed and uninsured or employed and underinsured health care is an issue a family might face daily.

The Administration's budget would block grant Medicaid and jeopardize the health care services that are now available for millions of low income children. Moreover, the Republican House budget proposal would create more harm by forcing cutbacks in mandatory spending programs. Those cuts could mean a \$93 billion reduction in Medicaid funding over the next ten years. Those cuts are likely to greatly increase the number of uninsured children.

Insurance and health care are certainly issues that concern children and we, as a body must do our utmost to address those issues. It is important to remember that health care involves not only physical health but also mental health and mental health care is just as important for children as it is for adults.

In fiscal year 2001, I urged funding for children's mental health services through the appropriation of a Mental Health Block Grant program in the amount of \$420 million. In addition, I helped bring over \$300 million to the health care industry in the 18th Congressional District of Texas and know these funds are an essential investment in the future of children.

It is important for their well-being and for their development. So we must support mental health programs for America's youth. That is the reason that at the beginning of this Congress I cosponsored H.R. 81, the Give a Kid a Chance Omnibus Mental Health Services Act of 2003.

Give a Kid a Chance is a bipartisan bill, cosponsored by Representative ILEANA ROS-LEHTINEN, my fellow co-chair of the Congressional Children's Caucus.

American youth are struggling to come to grips with a confluence of disturbing issues. On a daily basis, they face the dangers of drugs, smoking, violence and the fear of terrorism. Added to the more traditional problems

that plague adolescents—pressure from school, family, and peers—it seems this barrage may be taking its toll on the mental health of our children. Those children living in the wake of the attacks of 9/11, or those living in broken homes, may be particularly vulnerable. However, no child is immune.

A recent survey revealed that 13.7 million children nationwide suffer from mental health problems. At least one in five children and adolescents has a diagnosable mental, emotional, or behavioral problem. That is 20 percent. However, 75 to 80 percent of these children do not receive any services in the form of specialized treatment or other mental health intervention.

Unchecked mental illness in the young can lead to academic failure, substance abuse, violence, or suicide. In fact, adolescent depression is increasing at an alarming rate. Recent surveys indicate that as many as one in five teens suffers from clinical depression. Each year, almost 5,000 young people between the ages of 15 and 24 take their own lives. The rate of suicide for this age group has nearly tripled since 1960. Obviously, the youth mental health programs we have in place are either ineffective or insufficient.

Responsibility for mental healthcare is shared across multiple settings: schools, primary care, the juvenile justice system, and child welfare. The bill I co-sponsored would establish school and community-based grant programs that would help prevent, identify, and treat mental health problems in children and adolescents. Local educational agencies that receive the grants would be required to maintain a certain ratio of students per counselor, nurse, psychologist, and social worker. Grants will be funded with a matching requirement of \$2 from private or local public entities, for each \$3 of federal funds.

For too long we have ignored the mental health needs of young Americans. There is a clear cry for attention to the mental health of our children. We must answer that cry. I hope others will support this bill, in a bipartisan way, and help our children through their formative adolescent years and help make them into healthy, well-adjusted adults.

ANTI-DRUG ACTIVITIES

On June 24, 2002 I joined the U.S. Department of Justice in announcing a \$100,000 grant to the Houston Council on Alcohol and Drugs, the fiscal agent to the Coalition of Behavioral Health Services. The Coalition will play a critical role in the prevention of substance abuse in youth in the 18th Congressional District of Texas by strengthening community anti-drug activities and reducing abuse among youth.

The 2002 project was a continuation and refinement of The Houston Council on Alcohol and Drugs' past goals: to reduce substance abuse among youth by 10 percent over the next 12 months, and encourage participation and collaboration of all sectors of the community including federal, state, and local government in an effort to increase resources for substance abuse prevention and reduction among youth.

The Houston Council on Alcohol and Drugs has distinguished itself as a leader in the fight to save our young people from the perils of drug abuse. I applaud and will continue to support these model programs that effectively motivate our youth to avoid drugs and equip them with the skills necessary to have a healthy and productive life.

We continue to wrestle with the devastation that drug abuse creates in our communities. It is particularly important that we support programs that will aid our youth in finding alternatives to drug use. Grants will help our children stand up against drugs. It clearly benefits the whole of our society when we help those most vulnerable before they enter into a life of substance abuse and crime.

THE COSTS OF IMMIGRATION, ILLEGAL AND LEGAL

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I want to talk tonight about another aspect of the immigration issue that I so often come to the floor to discuss, and what I have decided to do is over the course of the next several weeks is to break this issue down into several of its component parts. Because it really is a fascinating issue, immigration and immigration control, the impact of massive immigration into this country, uncontrolled immigration, the impact of having porous borders.

It really does matter. It is not just something that we can observe and think about as being really not involved with and not important to our Nation's future. It will affect every single aspect of our lives. It will affect us socially and economically and politically. It really does have enormous implications, the whole idea of massive immigration into the United States, both legal and illegal.

So as I say, tonight I want to go into one specific aspect of this and focus on it for a while, and that is the costs of illegal immigration and even to a large extent massive legal immigration to our social service systems in this country, to our States and to the Federal Government. Especially we are going to focus again a little more narrowly in that area on health care.

□ 1645

Mr. Speaker, there is probably no issue that is brought to our attention here more often and with more concern on the part of our constituents than the issue of health care, its unaffordability, its inaccessibility, and the fact is that it is a very, very serious problem. The costs are rising so dramatically, such as in order to pay for new technologies.

There are a lot of reasons for the costs to increase. One reason is because, of course, our health care system is being accessed by a lot of people who are here illegally, they are not citizens of the United States, but also because in fact legal immigrants to the United States access social services to a higher extent than native citizens. So the impact of massive immigration, both legal and illegal, on the system is enormous.

This map is a condensed picture of our problem with regard to the health

care costs that are being incurred by States, by taxpayers in the various States, and by, of course, all taxpayers in the Nation as Federal taxpayers. I say "condensed," because this particular map only takes a look at the uncompensated medical costs along our border, in California, Arizona, New Mexico and Texas.

This is an annual expenditure. It says these costs represent only hospital costs. By the way, it is condensed again into just hospital costs in those four States. This is the emergency medical services costs. This, again, is condensed. It is not for all immigrants; it is just for illegal immigration.

These costs that we are going to talk about here are not the Nation's costs, just for four States. They are not all medical costs, just hospitals. They are not the costs of all immigration, just the cost of illegal immigration.

One in four dollars of uncompensated emergency medical costs for Southwest and border hospitals can be attributed to "undocumented immigrants." That is a way of saying illegal immigration. In California, \$295 million; in Arizona, \$97 million; in New Mexico, \$45 million; in Texas, \$393 million in the Year 2000. Somebody does pay for this. Of course, it is primarily the taxpayers of those States that have to pick up the tab.

But think about the real costs. Let us go ahead and just extrapolate out what the real costs to the Nation are in all States, because, I guarantee you, my State of Colorado has an enormous cost for both legal and illegal immigrants accessing the welfare system and specifically, again, the health care system. These costs are absorbed by hospitals, by the doctors and, eventually, of course, are paid for by the taxpayer.

One extensive study of the cost of illegal immigration is the one we are pointing to here. It determined that care provided to illegal aliens costs border hospitals \$189.6 million in uncompensated medical emergency costs in the year 2000. Total reported uncompensated costs at these same hospitals was \$831 million.

In other words, uncompensated costs to illegal aliens, this is all costs, emergency care to illegal aliens comprised 23 percent of the total uncompensated costs incurred by those hospitals in the year 2000.

This, as I say, is just the tip of the iceberg. It does not, as I mentioned, include non-emergency services provided by doctors or hospitals. Furthermore, the study only covers the counties that are along the border, the counties directly along that border. Total costs throughout the United States for all counties are unknown. However, if the numbers for these southern border counties are a sample for the whole Nation, the true costs of medical care is in really the hundreds of billions of dollars.

Part of the problem is, of course, self-induced. That is to say, the Federal Government has passed legislation that

has exacerbated this problem. The Emergency Medical Treatment Act and Active Labor Act enacted in the Congress in 1996 made it illegal to ask immigrant status prior to rendering services in emergency rooms. As a result of this, hospitals have no way of tracking information that would be helpful in identifying the actual costs of care to illegal immigrants. A lot of this, of course, is estimated.

Being able to track this information in a consistent manner would not only help in developing a policy to deal with this problem but also assist in measuring how much medical services illegal aliens were really obtaining.

This brings me to another point here that I think is worthy of mention. Let us go to the legal immigrant in the United States, somebody who has arrived here, let us say, in the last 5 years.

In 1996, this Congress passed another law; and it said that anyone coming into the United States under what was called the Family Reunification Act would have to identify a sponsor here in the United States and that sponsor had to agree to become financially liable for the person they were bringing into the country. If that person were to go onto some sort of social service, onto welfare or access hospitals and be unable to pay themselves for doctor bills, food banks, anything that was provided to this person coming in here under the Family Reunification Act, you had to have a sponsor.

By the way, we have had that law generally on our books for 100 years. For 100 years an immigrant coming into the United States had to have a sponsor, and that sponsor took on some responsibility. The language is very plain on the documentation they have to fill out, that, in fact, you are accepting financial responsibility for that person that you are bringing in.

Now, that was the way it was for everybody. But in 1976 we reduced the scope, the field, I suppose, to say, no, we will just do it for people who are coming in under the Family Reunification Act. People who are coming in under H-1B visas or any of the other work visas and all that sort of thing, not to worry, that is not going to matter.

Well, as it turns out, about 75 to 80 percent of all immigration into the United States is under the Family Reunification Act, so almost everybody here today, the recent immigrant in the last 5 years, let us say, 10 years, came under that particular provision of our immigration law. It says, if that is the case, you need this sponsor.

Now, here is another one of those little interesting aspects of law and the way we treat law around here, especially immigration law. It is ignored. It is ignored by States and the Federal Government, because, you see, it says if a person accesses any of this and they are not a citizen of the United States, somebody else is liable. But that means somebody has to go after them.

So about a year and a half ago, I think it was, the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), wrote a letter to the Department of Justice and asked the Attorney General what they were going to do to enforce this particular part of the law that says, if you come here and access a social service, somebody else is supposed to pay for that. It is supposed to be your sponsor.

Not one person to this date, to my knowledge, not one person in the past 30 years has ever been held to account by either the Federal Government or any State agency.

But that is something that we should focus on and let people understand, Mr. Speaker, and that is it is not just the Federal Government that could in fact go after the sponsor and get them to live up to the obligation they signed on to if their person goes on to the welfare roles or has to access medical services. But any aspect, any level of government that delivers the service can in fact seek that payment or repayment from the sponsor, any county that has its social services accessed by a person who is here as a recent immigrant.

Of course, illegal immigrants are not supposed to be eligible for anything; and yet, of course, we know that they do access all of these services; and they have become quite adept at it.

The costs are enormous. But, at least for the legal immigrants who are here, we could recoup a lot of these costs, because, as I say, statistically, it is shown that legal immigrants into the United States do access social services to a greater extent than non-immigrants. It is just a fact of life.

Many people, of course, come to the United States for the purpose of obtaining health care to begin with. On our borders you can see it any day that you go down there. We have had reports at hospitals near the border, some of these States, where a bus load of individuals, a bus load of young women about ready to give birth, will pull up and disembark and go into the hospital for the purpose of giving birth in the United States, because we have something we call the Anchor Baby Program. If you have your baby here, right now the law says that child is a citizen, regardless of whether or not its parents are legally here. That is something also we need to address as a body. We are one of the only countries, and maybe the only country in the world, that has such a liberal policy about allowing someone to become a citizen.

But because of that and because of the various benefits that a person can obtain as a result of having your child here, the social services, the WIC program, a whole bunch of other things, people will come here for just the purpose of having a child, so much so that many of these hospitals along the border are saying they are closing down their neonatal wards and delivery rooms because they cannot afford it

any more. They have been inundated with people that come across the border to have children, and they cannot pay for it, and, of course, that service is provided to them.

There are multiple reports that women come to the border just to wait until they go into labor and then be rushed not to Mexican hospitals but American hospitals. One hospital in California reported that near-term pregnant women will sit in cars in the parking lot and enter the emergency room when they go into labor.

In the instances where these women arrive at the border crossings, the Border Patrol, instead of returning them to Mexico to be taken to Mexican medical facilities, they allow them into the United States. When I asked the Customs officials about this, they say, "You know, we are not medical people. We don't have that kind of expertise. We don't know. Somebody says they are sick, we wave them on in."

We have been down there on our border. You will see ambulances coming up to the border, coming up to the Customs agent at the port of entry, and saying, "You know, I have got this really sick person here, and I need to get through." And they wave them on through. Ambulances are delivering sick people to our hospitals, sick people from Mexico, because the treatment is better, and it is free.

Now, I am sympathetic to the needs of the people who are in dire straits. I will tell you, this country can never be the health care provider to the Third World. It is impossible. There is not that much money in America, let alone in the health care system. And yet that is what is happening.

The issue here is one that does affect everyone, and that is what I really want to try to point out when we talk about these separate issues in migration. They do have an effect far beyond what one might think of to be an immigration-related issue.

So when we talk about costs at our hospitals, when we talk about health care in general, it is important to understand the impact of immigration, both legal and illegal immigration, on the system and on every single tax-paying American.

I have to ask you if that is fair? I just would like to know, Mr. Speaker, is that fair? Is it fair that American taxpayers are being asked to pay for the health care benefits of people who are not legal residents of this Nation?

□ 1700

There is just no way that we can do that and hope to maintain some quality in that system.

I visited, as I said, not too long ago, near Douglas, Arizona; and I was talking to a nurse at a hospital in Douglas, and she was telling me of the situation that exists in that hospital. It is on the verge of bankruptcy. I believe it has already claimed Chapter VII, I think it is, and may go out altogether, and

there is one reason, and it is because of this: they cannot afford to provide the services to people who come across that border from Mexico and access them. They cannot afford to do it anymore. The county is not that wealthy that they can keep it open. And when this hospital closes, the nurse told me, there will not be another hospital. There will be no hospitals available within a 100-mile radius of Douglas, Arizona.

So it does matter. It only matters, I guess, if one is in Douglas. You can say, that is their problem, really. Too bad. Those poor people in Douglas, Arizona, should probably move someplace else and get better health care. I assure my colleagues that the problem is not unique to Arizona, as more and more people enter the United States. And by the way, we have to understand that Mexico contributes about 40 percent of all of the illegal immigration into the country. About 40 percent come from Mexico, and we have another 40 percent of the people coming into this country illegally from places other than Mexico, and they are simply overstays. They come into our ports, to our airports, with visas; they come into the country legally, and they simply overstay the visa. And 20 percent, another 20 percent from along our northern border enter the country illegally. At least that is the estimates we have been given.

My State, Colorado, is having a very difficult time, as most States are, trying to meet their responsibilities, given the sad state of the economy in many areas, the many problems we have had with both drought and fire and now a massive storm that actually has caused the Governor to request emergency aid. The problems that the State faces are not unique; most States in the Nation, to some extent or another, are in the same sort of fiscal dilemma.

One of the things that they chose to do was to look at one category; it was called Medicaid services for noncitizens. Now, this is something many States do. They provide Medicaid services. Now, Medicaid, of course, is a program that is designed to provide services for people who are financially unable to provide services for themselves. And the States, many of them, decided to embark upon this very altruistic path and establish Medicaid for noncitizens. And guess what? The use of that particular program grew dramatically. I will be darned. They can get a 50 percent match from the Federal Government. So they thought, let us do it, it is, again, an altruistic thing to do. Even though, as I said earlier, anyone who is here legally has a sponsor, and that sponsor can be made to pay for the person that they sponsored if they do access these services, if someone wants to do it. So Colorado axed that particular program. And there is a human cry about it. Almost every day, there is something in the paper about the fact that Colorado has eliminated

Medicaid for noncitizens, and how heartless and how cruel.

I suggest that one of the things the State of Colorado could do, Mr. Speaker, and every other State and every county, as a matter of fact, is begin to total up the costs for the provision of services to noncitizens and then, all they have to do is communicate with the Department of Justice, because by law, the Federal Department of Justice has to look at the names that it has provided and match them up against the documents that were prepared and filled out for that person to come into the United States.

So all that the hospitals have to do, all that any State has to do, all that any county has to do, if they want to recoup some of the costs that they have been forced to lay out for the provision of services to noncitizens legally here, is to actually take that step. Send the Department of Justice the names, obtain them from your hospitals, from your clinics, from your Department of Social Services, obtain the names of the people who are here as immigrants, send that to the Department of Justice, they will identify those people and who the sponsors are for each individual, and then each of those entities can go to the sponsors and ask them to live up to their responsibility that they said they would live up to when they signed the document.

As I say, it does not happen. I know that people are thinking, well, of course, that is there, but nobody really does it. So what. They access it. We will pay for it. Nobody should do it. Well then, we should eliminate the law. We should repeal that law. If we are not going to enforce it, like every other immigration law on the books almost, we should repeal all immigration laws if we are not going to enforce them. If we do not mean it when we pass the law, what is the purpose of all of the debate we have here taking up the time of the stenographer? It just does not matter, if we are not going to enforce the law. So let us repeal that portion that says, if you come into this country, you have to get a sponsor. Let us pull it back and say, you know what, we were just joking. It really does not matter. You will get all of the services you want and the taxpayers of the country will pay for it. Let us be honest.

But we go through this charade: well, if you are going to come into the country, you have to get a sponsor and fill this out right here and show us that you are a fiscally responsible person. You have to actually show that you can take on that responsibility financially, so that you can do it. So people sign it, and then they know it is forgotten about; nobody is going to actually force them to do it.

As I mentioned to my colleagues, the chairman of the Committee on the Judiciary wrote the letter to the Justice Department; and we got a letter back saying, essentially, yes, we do collect

the names, but that is about it. And, yes, we will give them out if somebody wants them; but, no, we are not going to go enforce this stuff. We have a lot of other things to do. We are chasing terrorists and whatever. And we certainly do not want them to stop chasing terrorists, but they can simply give the names to any county or any hospital or any Department of Social Services in this Nation that has had a cost that they have incurred in providing the services, and I suggest that somebody in fact do that. It is the law.

And if one does not like the law, do as Colorado does: repeal Medicaid for noncitizens.

The other part of this picture, of course, is just welfare in general, and not just health care. As I said earlier on, it is a fact that immigrants into the country will access social services to a greater extent than nonimmigrants. This may have always been the case; but, Mr. Speaker, we never really had the ability to determine that when my grandparents came or, for the most part, most of the Members here that serve in this body, I should say, would say when their grandparents came, we could not really have this kind of statistic. We would not know, because there was nothing to access. When my grandparents came here, they had two choices: work or starve. That was it. There was nothing like a social service agency to provide any sort of relief. So we do not know what would have happened in 1900, but we do know what is happening today.

In 1996, 22 percent of immigrant-headed households used at least one major welfare program, compared to 15 percent of native households. After a decline in the 1990s, welfare use rebounded with 23 percent of immigrant households using welfare compared to 15 percent of native households. The presently high rate of welfare used by immigrant households stems from their heavy reliance on Medicaid, I mentioned that earlier, which has actually risen modestly. In contrast, immigrant use of TANF funds has fallen significantly from a little under 6 percent to slightly over 2 percent, and food stamp use has also declined significantly. Now, these rates are only slightly above those for native Americans. The average value of benefits and payments received by immigrant households has changed little and remains at about 50 percent above that which is the average for native Americans.

So what we see is that again, there is a cost attributed to massive immigration into this country, and our social service systems are overburdened, our health care system is, of course, overburdened, and our Social Security system is challenged. And I will add Social Security here for a moment, because to a large extent, it does fall, I think, into the category of a social service.

Social Security, there is always a debate on this floor as to how long it is

going to last. And the trustees of the Social Security fund will give us dates maybe 20 years out, sometimes 30 or 40 years out; but everybody said it is coming to a screeching halt, at least mid-century. And the reason is simple: there are relatively few people working to support the number of people who are retired, and because, of course, demographic profiles in this country now are such that we see this increase, significant increase in the number of people who are living passed that magical age of 62. So the costs are rising dramatically.

The United States of America is engaged in negotiations with the Government of Mexico to do something that is referred to as "totalizing," and what that means is this: that along with about 20 other countries, we have agreements that say, if you work for a company, if you are an American working in Sweden for a Swedish company, that the time that you spend there will be counted in your Social Security eligibility and, likewise, a person from Sweden working in the United States for a Swedish company could count it for their Social Security. That is just a reciprocal arrangement that we have with about 20 countries. It is called totalization. It is not really a very big deal.

But now with Mexico, we are now talking with them about providing that same benefit, providing American Social Security benefits to illegal immigrants in the United States who are working here illegally.

Now, people will say, well, you know what, it is really right. Even if they are illegally here, that is okay, because they are working and maybe paying into the system. Well, think again. A large number of people who come to this country illegally and seek low-pay, low-skilled jobs are people who are not getting paid quote, "on the books." That is one reason why they are sought after by employers. Employers keep telling us, I just do not know where to go. I have no place else to go. I have jobs that no American citizen will take. Well, what they are saying is, yes, no jobs that an American citizen will take for what I want to pay, and I want to pay under the table and avoid all the other kinds of taxes. I can get somebody who will work here and who is illegal.

□ 1715

What are they going to do about it? Who are they going to squeal to?

So there is a large amount or there are a great number of people who are working here under those conditions who are simply not paying taxes. There are many others working here, and if they are paying taxes, they are working at low-skill, low-wage jobs. The amount of taxes being collected from them would be certainly nothing in income tax, very little in Social Security, and never enough to pay for what they are going to, in fact, claim, because they will work some time in Mexico.

If this agreement goes through that will allow them to claim the time they work in the United States for United States Social Security benefits, then, of course, I assure the Members that the amount of money they will be collecting is far, far greater than the amount of money they put into that system.

Mr. Speaker, there is a certain degree of concern we should all have about the Social Security system and the impact of illegal immigration on the Social Security system.

By the way, just a little tidbit, kind of a strange story emanating out of San Luis, a town in Arizona on the border with Mexico. San Luis is a town of 2,000 residents. It has 6,000 mailboxes. Everything has been turned into one of those little mailbox centers, where it is a rented mailbox. Everything in the town, all the old 7-11 stores and everything, are simply turned into a mailbox place because of the number of people who rent mailboxes. But these people who live in Mexico, they are Mexican citizens who once a month come across in the United States to San Luis, collect their Social Security checks, SSI money, various other kinds of social services. This was on a program called "20/20" not too long ago.

It is not unique. The town is not unique. That happens all across the border. The Social Security system is being jeopardized by the actions of people who are trying to commit fraud and by the reluctance of our government to protect the Social Security system and to defend those borders.

There are sites that are located throughout the Southwest. They are called pick-up sites. They are just places where massive numbers of people have come through the border, walked into the United States, and gathered at certain places near a road, sometimes a highway but more often than not just a dirt road, because at a point in time a truck will come and pick them up and take them into the interior.

Sometimes these places are mammoth. They are 50 or 100 acres of accumulated trash, where literally thousands of people have accumulated on ranchlands, pristine desert environments. They have become essentially trash dumps. They have ruined the land. They have destroyed the property. They are places of enormous amounts of trash, paper, plastic, human waste; because everybody has to discard everything, their coats, backpacks and everything when they get onto these trucks in order to make more room to get more people packed into them.

They are told by the "coyote," people bringing them across, they have to discard everything, and they do. They throw everything down, and there are all kinds of pharmaceutical drugs, health care products, just tons of trash.

By the way, where is the Sierra Club? This is an environmental disaster. It is

all over. I am not talking about one little thing here. This is all over the country. The Organ Pipe Cactus National Monument, I call it the Organ Pipe Cactus National Dump because of what has happened there.

The fact is, we were walking through one of these places 2 or 3 weeks ago. I was with several other Members of Congress and with a group of people from the area who live in that area, some of the ranchers down around Douglas. They took us to one of these pick-up sites on one rancher's land. His cattle cannot drink the water anymore. The water has been polluted by human waste that has drained into their system. Cattle eat the plastic bags and die.

All their fences are torn down constantly. So many people have gone across the land, they have created paths that will never, ever, or for a hundred years, if they are left in pristine condition, from now on it would take 100 years to get the land back to where it was. There are car tracks all over the place.

Again, the Sierra Club does not say a word about it. Imagine if this would happen anywhere else. Imagine if that would not be done by illegal immigrants into the United States, imagine what the environmental community would do about these kinds of things. They would go ballistic. We do not hear a word about it from them down there.

At any rate, we were walking through one of these pick-up sites. I looked down, and there is a tax form. It struck me because, of course, along with all this trash it was a strange place to have a U.S. revenue, Department of Revenue tax form, IRS form.

I picked it up. It was for a gentleman, a Mr. Delgado. At any rate, he had filled this out using, if I remember correctly, an ID number that the IRS will give you simply by asking for one. You can have a taxpayer ID number. You fill it out with that. He claimed that he made \$9,000 some last year and paid about \$1,800 in taxes and claimed about a \$2,700 Earned Income Tax Credit. So when they do come and they do in fact pay taxes, believe me, we are not getting the benefit of those tax dollars. They actually become a responsibility, a social service responsibility through the Tax Code.

We have had estimates of literally hundreds of millions of dollars in fraud going to people in this particular one program, the Earned Income Tax Credit program. But this I could not even say would be fraudulent, because I think the fellow did what he was supposed to do: He got a tax ID number.

The fact that he was in the country illegally, the IRS does not care about that. They do not check it. They do not know. They do not care. They will send a check. The Social Security system will send a check. All one has to do is have a mailing address inside the United States. Go to San Luis, get a box. Go to any town along that border. They do. They come across.

They were interviewing them on television, all these people the first of the month coming across from Mexico. They were interviewing them and saying, do you not know this is illegal, that you should not be doing it? And they say, yes, but as long as you are going to hand out the dough, are we not going to take it?

We cannot argue the logic. But do not tell me that immigration and porous borders, that these things do not have an impact on a wide variety of activities in the United States. Do not tell me it does not have an impact far beyond such those borders. These people are receiving the brunt of it now, but I assure the Members, it moves northward. All of us pay the price. Our social security system is jeopardized, our health care system is jeopardized, our welfare system is overtaxed.

Immigration is something this Nation has thrived on since its existence, of course. Everybody here is an immigrant or a son or a grandson or a great grandson, as far as we want to go, a granddaughter of an immigrant. I do not care if people call themselves Native Americans, but if we go back far enough, their people came across a land bridge from Asia.

There was no one here. There is no indigenous population, at least that we can identify, so everyone, everyone in this country is an immigrant by background. That is great. However, that is totally irrelevant as to what we should be doing now about immigration.

As I said earlier, when my grandparents came, they did not have TANF programs, they did not have Earned Income Tax Credit, they had no social service benefits. You worked or you starved. That was it.

Now, we can debate whether we are attracting people just for the benefits. Certainly, it is an attraction when we consider the fact that our benefits are certainly relatively rich, considering the benefits that would be available to them in their country of origin, especially Mexico. It does impact America, and this is an issue with which we must deal.

I talked about the issue of border security and national security last time. I talked about the fact that, because we have porous borders, our Nation is more at risk than it would otherwise be, especially in this time, a time of war. That is only one part of the picture. It is a very significant part, it is a scary part, but it is only one part.

We talked about social services tonight. We talked about the environment, the impact on the environment. We talked about drugs, about a variety of other things that are attributable to massive immigration, legal and illegal, and do in fact matter. Mr. Speaker, I believe they matter to a majority of the people in this country.

I do not think that there is a bigger divide between what the people of this country want and what this government is willing to give them other than the area of immigration, immigration

reform. Poll after poll after poll says that the people of this country want reform of this program. They want to reduce immigration to a manageable level.

I have a bill to reduce immigration to 300,000 people a year down from the present a little over 1 million people a year. I think that is a goal that we could achieve. I think we can still benefit by the diversity and the value, the added value that immigration can bring to the country, but we can begin to operate our social services system and we can begin to recover if we reduce the number of illegal immigrants coming into the country by securing our borders and reducing legal immigration, at least for 5 years while we try to catch our breath.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CARDOZA) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. KENNEDY of Rhode Island, for 5 minutes, today.

Mr. CARDOZA, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. SIMPSON) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

Mr. KING of Iowa, for 5 minutes, April 1.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until Monday, March 31, 2003, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1484. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification with respect to a proposed Letter of Offer and Acceptance (LOA) to sell defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1485. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into

by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1486. A letter from the Secretary, Department of Commerce, transmitting the annual report for FY 2002 of the Department's Bureau of Industry and Security; to the Committee on International Relations.

1487. A letter from the Chairman, Broadcasting Board of Governors, transmitting the Annual Program Performance Report on the FY 2002 Performance Plan; to the Committee on Government Reform.

1488. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's FY 2002 Performance and Accountability Report; to the Committee on Government Reform.

1489. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's FY 2002 Annual Program Performance Report; to the Committee on Government Reform.

1490. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's FY 2002 Performance Report; to the Committee on Government Reform.

1491. A letter from the Manager, Benefits Communications, U.S. AgBank, FCB, transmitting an annual report for the plan year ended December 31, 2001; to the Committee on Government Reform.

1492. A letter from the Under Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration, transmitting the annual report of the Coastal Zone Management Fund for the National Oceanic and Atmospheric Administration for fiscal year 2002, pursuant to 16 U.S.C. 1456a(b)(3); to the Committee on Resources.

1493. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 108-56); to the Committee on the Judiciary and ordered to be printed.

1494. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Evidence that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 108-57); to the Committee on the Judiciary and ordered to be printed.

1495. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. 108-58); to the Committee on the Judiciary and ordered to be printed.

1496. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Appellate Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 108-59); to the Committee on the Judiciary and ordered to be printed.

1497. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Herington, KS [Docket No. FAA-2003-14457; Airspace Docket No. 03-ACE-10] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1498. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cherokee, IA [Docket No. FAA-2003-14429; Airspace Docket No. 03-ACE-9] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1499. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Larned, KS

[Docket No. FAA-2003-14458; Airspace Docket No. 03-ACE-11] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1500. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Realignment of Federal Airways V-72 and V-289; MO [Docket No. FAA-2002-13413; Airspace Docket No. 02-ACE-6] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1501. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace and Modification of Existing Class E5 Airspace; Ainsworth, NE; Correction [Airspace Docket No. 02-ACE-8] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1502. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E5 Airspace; Memphis, TN [Docket No. FAA-2002-13946; Airspace Docket No. 02-ASO-29] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1503. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MORAVAN a.s. Model Z-242L Airplanes [Docket No. 2000-CE-05-AD; Amendment 39-13037; AD 2003-03-13] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1504. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Aircraft Equipped With Honeywell Primus II RNZ-850/-851 Integrated Navigation Units [Docket No. 2003-NM-41-AD; Amendment 39-13054; AD 2003-04-06] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1505. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCAT — Groupe AEROSPATIALE Models TB 9, TB 10, TB 20, TB 21, and TB 200 Airplanes [Docket No. 2002-CE-43-AD; Amendment 39-13051; AD 2003-04-03] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1506. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes [Docket No. 2002-CE-04-AD; Amendment 39-13050; AD 2003-04-02] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1507. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No. 2002-CE-14-AD; Amendment 39-13055; AD 2003-04-07] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1508. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO IN-

DUSTRIES S.p.A. Model P-180 Airplanes [Docket No. 2002-CE-47-AD; Amendment 39-13056; AD 2003-04-08] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1509. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 2001-SW-45-AD; Amendment 39-13053; AD 2003-04-05] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1510. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters [Docket No. 2001-SW-44-AD; Amendment 39-13052; AD 2003-04-04] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1511. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propellers Inc., Model HD-E6C-3B/E13890K Propellers [Docket No. 2000-NE-45-AD; Amendment 39-13049; AD 2003-04-01] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1512. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. 2002-NM-240-AD; Amendment 39-13047; AD 2003-03-22] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1513. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes [Docket No. 2002-CE-46-AD; Amendment 39-13038; AD 2003-03-14] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1514. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2002-NM-140-AD; Amendment 39-13042; AD 2003-03-17] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1515. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc., Model HC-C2YR-4CF Propellers [Docket No. 2001-NE-48-AD; Amendment 39-13045; AD 2003-03-20] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1516. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International, Inc., (formerly AlliedSignal, Inc. and Textron Lycoming) ALF502L-2, ALF502L-2C, ALF502R-3 and ALF502R-3A Series Turbofan Engines [Docket No. 2002-NE-34-AD; Amendment 39-13017; AD 2003-02-01] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1517. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Hawker 800XP Airplanes [Docket No. 2001-NM-315-AD; Amendment 39-13011; AD 2002-26-22] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1518. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300 Series Airplanes Modified by Supplemental Type Certificate ST01869AT-D [Docket No. 2002-NM-56-AD; Amendment 39-13002; AD 2002-26-14] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1519. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-50 and CF6-80C2 Turbofan Engines [Docket No. 2001-NE-19-AD; Amendment 39-13024; AD 2003-02-07] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1520. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Security Requirements for Offerors and Transporters of Hazardous Materials [Docket No. RSPA-02-12064 (HM-232)] (RIN: 2137-AD67) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1521. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 179.2 to 180.0, St. Louis, Missouri [COTP St. Louis, MO-02-010] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1522. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Tampa Bay, Florida [COTP TAMPA 02-064] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1523. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Amtrak Railroad Bridge — Susquehanna River — Harford County, MD [CGD05-02-073] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1524. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 120.5 to 122.5, Above Head of Passes, Luling, Louisiana [COTP New Orleans-02-016] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1525. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Anchorage Grounds and Safety Zone; Delaware Bay and River [CGD05-02-066] (RIN: 2115-AA97 and 2115-AA98) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1526. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Casino

Magic Marina, Bay St. Louis, Mississippi [COTP New Orleans-02-015] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1527. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Captain of the Port Detroit Zone, Detroit Ambassador Bridge [CGD09-02-516] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1528. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security zone; Cruise ship, Resurrection Bay, Alaska [COTP Western Alaska 02-012] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1529. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; All water within 100 ft of the M/V REGAL PRINCESS while transiting Apra Harbor and while moored at F-1 and F-4 Wharfs, Port Authority of Guam, Territory of Guam [COTP GUAM 02-015] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1530. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Wings Over the Lake Air Show, Michigan City, IN [CGD09-02-051] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1531. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Upper Mississippi River, Mile 179.2 to 180.0, St. Louis, Missouri [COTP St. Louis, MO-02-009] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1532. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Security zone; Ferry vessel, Resurrection Bay, Alaska [COTP Western Alaska 02-011] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1533. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulations; Atlantic Ocean, Daytona Beach, FL [COTP Jacksonville 02-080] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1534. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Ellis and Liberty Islands, New York/New Jersey [CGD01-02-111] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1535. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Port of New York/New Jersey [CGD01-02-109] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1536. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Apra Harbor, Guam (Hotel Wharf) [COTP Guam 02-017] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1537. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Severn River and Spa Creek, Annapolis, Maryland [CGD05-02-070] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1538. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Moving Safety Zone; Lake Erie, Buffalo, NY [CGD09-02-507] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1539. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Apra Harbor, Guam (F-1 Wharf) [COTP GUAM 02-019] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1540. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone, Piankankank River, Hills Bay, Mathews, Virginia [CGD05-02-046] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1541. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Detroit Zone, Detroit Renaissance Waterfront Area [CGD09-02-517] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1542. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Yazoo Diversion Canal, Vicksburg, Mississippi [COTP New Orleans-02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1543. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Grand River, Grand Haven, MI [CGD09-02-074] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1544. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulations; Atlantic Ocean, Cocoa Beach, FL [COTP Jacksonville 02-093] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1545. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zones; Sail for America and Around Alone Race, Port of New York/New Jersey [CGD01-02-106] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1546. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Fireworks Display for Hammond Marina, Hammond, IN [CGD09-02-075] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1547. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Presidential Visit, Prouts Neck, Scarborough, ME [CGD01-02-098] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1548. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Illinois River, Mile Mark 157.6 to 166.6, Peoria, Illinois [COTP St. Louis-02-007] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1549. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security zone; Coast Guard Vessel, Resurrection Bay, Alaska [COTP Western Alaska 02-009] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1550. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Safety Zone; Poker Run, Lake Michigan, Hammond, IN [CGD09-02-052] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1551. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Portland International Airport [CGD13-02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1552. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Missouri River, Mile Mark 29.0 to 27.5, St. Charles, Missouri [COTP St. Louis-02-008] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1553. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, Virginia [CGD05-02-077] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1554. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone Regulations, Motor Vessel JOINT VENTURE, Puget Sound, Washington [CGD13-02-013] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1555. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Boundary Channel Lagoon — Potomac River — Washington, D.C. [CGD05-02-074] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1556. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: All waters within 100 ft of the M/V FUJI MARU while transiting the harbor and while moored at Charlie Dock, Commonwealth Port Authority, Saipan (CNMI) [COTP GUAM 02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1557. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: All waters within 100 ft of the M/V REGAL PRINCESS while transiting the harbor and while moored at Charlie Dock, Commonwealth Port Authority, Saipan (CNMI) [COTP GUAM 02-013] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1558. A letter from the Chairman, Advisory Panel to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction, transmitting the Panel's fourth annual report entitled, "Implementing the National Strategy"; jointly to the Committees on Armed Services and Transportation and Infrastructure.

1559. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to section 7(a) of the Jerusalem Embassy Act of 1995, pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 735. A bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes; with an amendment (Rept. 108-49). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 522. A bill to reform the Federal deposit insurance system, and for other purposes; with an amendment (Rept. 108-50). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 21. A bill to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes (Rept. 108-51 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TERRY (for himself and Mr. DOYLE):

H.R. 1458. A bill to authorize the Secretary of Energy to establish an Advanced Technology Incentives Program to fund the development and deployment of new advanced technologies such as fuel cells, turbines, hybrid, and storage system power technologies; to the Committee on Science.

By Mr. WELLER (for himself, Mr. CARDIN, and Mr. FOLEY):

H.R. 1459. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for making energy efficiency improvements to existing homes and for constructing new energy efficient homes; to the Committee on Ways and Means.

By Mr. RENZI (for himself, Mr. SMITH of New Jersey, Mr. EVANS, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. BEAUPREZ, and Mr. MICHAUD):

H.R. 1460. A bill to amend title 38, United States Code, to permit the use of education benefits under such title for certain entrepreneurship courses, to permit veterans enrolled in a vocational rehabilitation program under chapter 31 of such title to have self-employment as a vocational goal, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT (for himself and Mr. UDALL of Colorado):

H.R. 1461. A bill to provide for the establishment by the Secretary of Energy of a pilot program and a development and demonstration program for clean fuel school buses, and for other purposes; to the Committee on Science.

By Mr. LANTOS (for himself, Mr. WOLF, Mr. BROWN of Ohio, Mr. SMITH of New Jersey, Mr. EVANS, Mr. PAYNE, Mr. PITTS, Mr. BERMAN, Mr. QUINN, Mr. WEXLER, Mr. CASE, Mr. CROWLEY, Mr. MCDERMOTT, Ms. WOOLSEY, Mr. BLUMENAUER, Mr. SERRANO, Mr. ACKERMAN, Mr. SCHIFF, Mr. OLVER, Mr. HOFFEL, Ms. MCCOLLUM, and Mr. LANGEVIN):

H.R. 1462. A bill to authorize assistance for individuals with disabilities in foreign countries, including victims of warfare and civil strife, and for other purposes; to the Committee on International Relations.

By Mr. BURR (for himself, Mr. TAUZIN, Mr. BILIRAKIS, Mr. UPTON, Mr. NORWOOD, Mr. WHITFIELD, and Mr. PICKERING):

H.R. 1463. A bill to provide benefits for certain individuals with injuries resulting from administration of a smallpox vaccine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. GRIJALVA, Mr. PASTOR, Mr. TOWNS, Mr. SERRANO, Mr. REYES, Mr. ACEVEDO-VILA, Ms. NORTON, Mr. RYAN of Ohio, Mr. UDALL of Colorado, Mr. CROWLEY, and Mrs. JONES of Ohio):

H.R. 1464. A bill to enhance the security and efficiency of the immigration, refugee and asylum, and naturalization functions of the United States Government; to the Committee on the Judiciary.

By Mr. BALLENGER (for himself, Mr. BURR, Mr. JONES of North Carolina, Mr. HAYES, Mrs. MYRICK, Mr. MCINTYRE, Mr. BALLANCE, Mr. MILLER of North Carolina, Mr. WATT, Mr. ETHERIDGE, Mr. PRICE of North Carolina, Mr. COBLE, and Mr. TAYLOR of North Carolina):

H.R. 1465. A bill to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the "General Charles Gabriel Post Office"; to the Committee on Government Reform.

By Mr. CAPUANO (for himself, Mr. JONES of North Carolina, Mr. EVANS, Ms. LEE, Mr. MEEHAN, Mr. FRANK of Massachusetts, Mrs. MCCARTHY of New York, Mr. RYAN of Ohio, Mrs. JONES of Ohio, Mr. OLVER, and Mr. MARKEY):

H.R. 1466. A bill to amend the Internal Revenue Code of 1986 to reduce the health insurance costs for family coverage of military reservists called to active duty; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 1467. A bill to amend title 49, United States Code, to impose a 2-year moratorium on the imposition of passenger and air carrier security fees, to reimburse the airline industry for homeland security costs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COLLINS:

H.R. 1468. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation of natural gas pipelines, equipment, and infrastructure assets to be 10-year property; to the Committee on Ways and Means.

By Mrs. DAVIS of California:

H.R. 1469. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans permit enrollees direct access to services of obstetrical and gynecological physician services directly and without a referral; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. LEACH, Mr. DOYLE, Mr. KILDEE, Mr. MEEHAN, Mr. CROWLEY, Mr. LANTOS, Mr. GRIJALVA, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. HINCHY, Mr. ETHERIDGE, Ms. MILLENDER-MCDONALD, Ms. LEE, Mr. MENENDEZ, Mrs. LOWEY, Mr. FROST, Mr. UDALL of New Mexico, Mr. SERRANO, Mr. MCNULTY, Mr. GREEN of Texas, Mr. KENNEDY of Rhode Island, Mr. OWENS, Ms. LINDA T. SANCHEZ of California, Mr. SCHIFF, Mr. MICHAUD, Mr. NADLER, Ms. WOOLSEY, Mr. STARK, Mr. DAVIS of Tennessee, Mr. STRICKLAND, Mr. LARSEN of Washington, Mr. INSLEE, Mr. BOSWELL, Mr. BERMAN, Mr. EMANUEL, Mr. MORAN of Virginia, Mrs. MALONEY, Mrs. CAPPS, and Ms. MCCOLLUM):

H.R. 1470. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Energy and Commerce.

By Mr. ENGEL:

H.R. 1471. A bill to amend the Safe Drinking Water Act to allow public water systems to avoid filtration requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GALLEGLY (for himself and Mr. MORAN of Virginia):

H.R. 1472. A bill to require the adoption and enforcement of regulations to prohibit the intentional feeding of bears on Federal public lands in order to end the hunting practice known as "bear baiting" and reduce the number of dangerous interactions between people and bears; to the Committee on Resources.

By Mr. GUTIERREZ:

H.R. 1473. A bill to amend the Fair Credit Reporting Act to provide disclosures of credit-based insurance scoring information by insurers and credit reporting agencies, and for

other purposes; to the Committee on Financial Services.

By Ms. HART (for herself, Mr. FORD, Mr. FERGUSON, Mr. OXLEY, Mr. BACHUS, Mr. CROWLEY, Mr. JONES of North Carolina, Mr. ROYCE, Mrs. KELLY, Mr. TOOMEY, Mr. GILLMOR, Mr. HINOJOSA, Mr. LUCAS of Kentucky, Mr. ROSS, Mrs. MCCARTHY of New York, Mr. MCINTYRE, Ms. NORTON, and Mr. BOSWELL):

H.R. 1474. A bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; to the Committee on Financial Services.

By Mr. HAYWORTH:

H.R. 1475. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to include private firefighters and rescue squad and ambulance crew members for certain benefits; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 1476. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Colorado Springs, Colorado, metropolitan area; to the Committee on Veterans Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. TOM DAVIS of Virginia, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GUTIERREZ, Ms. NORTON, Mr. KILDEE, Mr. KUCINICH, Ms. LEE, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. ROHRABACHER, Mr. ROYCE, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHERMAN, Ms. SOLIS, Mr. THOMPSON of Mississippi, Mr. WAXMAN, and Mr. WEXLER):

H.R. 1477. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. WALDEN of Oregon, Mr. ROSS, Mr. TIBERI, Mr. BARTLETT of Maryland, Mr. BERRY, Ms. BALDWIN, Mrs. MCCARTHY of New York, Mr. MOORE, Mr. TAYLOR of North Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. BOUCHER, Mr. MCNULTY, and Mr. HALL):

H.R. 1478. A bill to provide that private land use rules be treated as State or local regulation for purposes of certain Federal Communications Commission regulations; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. JEFFERSON, Mr. CANTOR, Mr. TAYLOR of Mississippi, and Mr. WICKER):

H.R. 1479. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel con-

struction contracts; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Mr. TIBERI, Ms. LEE, Mr. BLUMENAUER, Mr. ANDREWS, Mr. FATTAH, Ms. CARSON of Indiana, Mr. CLYBURN, Mr. BASS, Ms. CORRINE BROWN of Florida, Mr. HINOJOSA, Mr. LAMPSON, Mr. MEEKS of New York, Mr. DINGELL, Mr. DAVIS of Alabama, Ms. KAPTUR, Mr. KILDEE, Mr. RUSH, and Mr. WYNN):

H.R. 1480. A bill to increase the expertise and capacity of community-based organizations involved in economic development activities and key community development programs; to the Committee on Financial Services.

By Ms. LOFGREN:

H.R. 1481. A bill to extend the moratorium enacted by the Internet Tax Freedom Act; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself and Mr. ROHRABACHER):

H.R. 1482. A bill to authorize assistance for women and girls in Afghanistan, and for other purposes; to the Committee on International Relations.

By Mr. MCDERMOTT (for himself, Mr. RANGEL, Mr. MARKEY, Mr. CONYERS, Mrs. JONES of Ohio, Ms. LEE, and Ms. BALDWIN):

H.R. 1483. A bill to require certain studies regarding the health effects of exposure to depleted uranium munitions, to require the cleanup and mitigation of depleted uranium contamination at sites of depleted uranium munition use and production in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS:

H.R. 1484. A bill to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD:

H.R. 1485. A bill to provide additional appropriations for the fiscal year 2003 for the MTCT-Plus Initiative at Columbia University's Mailman School of Public Health; to the Committee on Appropriations.

By Ms. MILLENDER-MCDONALD (for herself, Mr. CASE, Ms. WATSON, Mr. ABERCROMBIE, Mr. FROST, Ms. BORDALLO, Ms. NORTON, and Mr. FALEOMAVAEGA):

H.R. 1486. A bill to direct the Secretary of Education to conduct a study of the rate at which Native Americans and students who reside in American Samoa, the Northern Mariana Islands, and Guam drop out of secondary schools in the United States, and for other purposes; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD (for herself, Mr. CASE, Ms. WATSON, Ms. LEE, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. OWENS, and Mr. KUCINICH):

H.R. 1487. A bill to direct the Equal Employment Opportunity Commission to prepare a report about how the Fair Labor Standards Act of 1938 has been used by public

and private sector employers to foster or exacerbate pay inequity; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD (for herself and Mr. ANDREWS):

H.R. 1488. A bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Mrs. MUSGRAVE:

H.R. 1489. A bill to provide for parental notification and intervention in the case of a minor seeking an abortion; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 1490. A bill to repeal the per-State limitation applicable to grants made by the National Endowment for the Arts from funds made available for fiscal year 2003; to the Committee on Education and the Workforce.

By Mr. OBERSTAR (for himself, Ms. NORTON, Mr. HONDA, Mr. BLUMENAUER, Mr. PASCRELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mr. NADLER, Mr. HOLDEN, Ms. BERKLEY, Mr. DEFAZIO, Mr. HOFFFEL, Ms. MILLENDER-MCDONALD, Mr. MICHAUD, Mr. MATHESON, Mr. RALL, Mr. DAVIS of Tennessee, Mr. BISHOP of New York, and Mr. CAPUANO):

H.R. 1491. A bill to authorize programs and activities to improve energy use related to transportation and infrastructure facilities; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science, Ways and Means, Resources, International Relations, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSE (for himself, Mr. GONZALEZ, Mr. PAUL, Mr. GUTIERREZ, Mr. LATOURETTE, Mr. KANJORSKI, and Mr. SHERMAN):

H.R. 1492. A bill to amend the Federal Credit Union Act to provide expanded access for persons in the field of membership of a Federal credit union to money order and check cashing services; to the Committee on Financial Services.

By Mr. OSE (for himself, Mr. WAXMAN, Mr. BURTON of Indiana, Mr. CLAY, Mr. LATOURETTE, Mr. LYNCH, Mr. PAUL, and Ms. WATSON):

H.R. 1493. A bill to revoke an Executive Order relating to procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Government Reform.

By Mr. OTTER (for himself and Mr. SIMPSON):

H.R. 1494. A bill to provide for certain deposits and countervailing duties to be imposed on imports of dynamic random access memory (DRAM) semiconductors produced by Hynix Semiconductor if certain affirmative determinations are made under subtitle A of title VII of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 1495. A bill to amend the Federal Food, Drug, and Cosmetic Act to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 1496. A bill to establish a comprehensive program to ensure the safety of food products intended for human consumption which are regulated by the Food and Drug Administration; to the Committee on Energy and Commerce.

By Mr. POMBO:

H.R. 1497. A bill to reauthorize title I of the Sikes Act; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. CRANE, Mrs. JOHNSON of Connecticut, Mr. HERGER, Mr. CAMP, Mr. SAM JOHNSON of Texas, Mr. ENGLISH, Mr. WELLER, Mr. MCINNIS, Mr. FOLEY, Mr. BRADY of Texas, and Mr. COX):

H.R. 1498. A bill to amend the Internal Revenue Code of 1986 to provide that the tax on recognized built-in gain of an S corporation shall not apply to amounts reinvested in the business; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 1499. A bill to require health insurance coverage for certain reconstructive surgery; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. EVANS, and Mr. MICHAUD):

H.R. 1500. A bill to amend title 38, United States Code, to authorize veterans to select the appraiser for housing loans for which they apply that are to be guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of California (for himself and Ms. SOLIS):

H.R. 1501. A bill to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; to the Committee on Resources.

By Mr. TIERNEY (for himself, Mr. LATOURETTE, Mr. GEORGE MILLER of California, Ms. LEE, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. VAN HOLLEN, Mr. SIMMONS, Mr. CASE, Mr. MCDERMOTT, Mr. FROST, Mrs. MALONEY, Mr. GILLMOR, Mr. KUCINICH, Mr. WAXMAN, Mr. CLYBURN, Mr. GRIJALVA, Mr. REGULA, Mr. NADLER, Mr. CUMMINGS, Mr. NEAL of Massachusetts, and Mr. JACKSON of Illinois):

H.R. 1502. A bill to amend the Individuals with Disabilities Education Act to provide that certain funds treated as local funds under that Act shall be used to provide additional funding for programs under the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. VITTER:

H.R. 1503. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty; to the Committee on Education and the Workforce.

By Mr. VITTER:

H.R. 1504. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating

reserve component self-employed individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. WATT (for himself, Mr. TAYLOR of North Carolina, Mr. BALLANCE, Mr. ETHERIDGE, Mr. HAYES, Mr. PRICE of North Carolina, Mrs. MYRICK, Mr. BURR, Mr. COBLE, Mr. BALLENGER, Mr. MCINTYRE, Mr. MILLER of North Carolina, and Mr. JONES of North Carolina):

H.R. 1505. A bill to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office"; to the Committee on Government Reform.

By Mr. DEFAZIO (for himself, Ms. HOOLEY of Oregon, Mr. BLUMENAUER, Mr. WU, and Mr. WALDEN of Oregon):

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress regarding semiconductor trade between the United States and the Republic of Korea and the need to assure that trade actions by the United States do not result in geopolitical tensions or the loss of United States jobs, and calling on the executive branch to recognize Korean economic reforms and the United States-Korea strategic relationship in dealing with semiconductor trade issues; to the Committee on Ways and Means.

By Mr. DEUTSCH (for himself and Mr. DAVIS of Florida):

H. Con. Res. 125. Concurrent resolution expressing the sense of Congress regarding the arrests of Cuban democracy activists by the Cuban Government; to the Committee on International Relations.

By Mr. ENGLISH (for himself, Mr. MCINNIS, Mr. PETERSON of Pennsylvania, Mr. CANNON, Mr. SIMPSON, and Mr. OTTER):

H. Con. Res. 126. Concurrent resolution expressing the sense of the Congress regarding the Earth Liberation Front and ecological terrorism; to the Committee on the Judiciary.

By Mr. FILNER:

H. Con. Res. 127. Concurrent resolution declaring that the provision of humanitarian assistance, including United States agricultural products, for Iraq is in the national security interest of the United States; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself and Ms. NORTON):

H. Con. Res. 128. Concurrent resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Mr. VITTER:

H. Con. Res. 129. Concurrent resolution expressing appreciation for the longstanding support and friendship of the people and Government of the United Kingdom; to the Committee on International Relations.

By Mr. BEREUTER (for himself, Mr. BILIRAKIS, Mrs. MALONEY, Mr. DREIER, Mr. ENGEL, Mr. ACKERMAN, Mr. CROWLEY, Ms. LEE, Mr. BLUMENAUER, Mr. PALLONE, Mr. MEEHAN, Mr. MCGOVERN, Mr. ANDREWS, Mr. FILNER, Ms. ROS-LEHTINEN, Mr. SHERMAN, Mrs. JO ANN DAVIS of Virginia, and Mr. MENENDEZ):

H. Res. 165. A resolution expressing support for a renewed effort to find a peaceful, just, and lasting settlement to the Cyprus problem; to the Committee on International Relations.

By Mr. GREEN of Wisconsin:

H. Res. 166. A resolution commending the people of the Republic of Kenya for conducting free and fair elections, for the peaceful and orderly transfer of power in their government, and for the continued success of democracy in their nation since that transition; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ACEVEDO-VILA:

H.R. 1506. A bill for the relief of Laura Maldonado Caetani; to the Committee on the Judiciary.

By Mr. GARRETT of New Jersey:

H.R. 1507. A bill to waive the time limitation specified by law for the award of certain military decorations in order to allow the award of the Congressional Medal of Honor to Steve Piniha of Sparta, New Jersey, for acts of valor while a member of the Army during World War II; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. CASE, Ms. SOLIS, Mr. MOORE, Ms. DEGETTE, Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BERMAN.

H.R. 22: Mr. MARIO DIAZ-BALART of Florida.

H.R. 34: Mr. LYNCH, Mr. WILSON of South Carolina, Mr. UPTON, Mr. LATHAM, Mr. BROWN of Ohio, Mr. FROST, Mr. GONZALEZ, Mr. SMITH of Michigan, Mr. DELAHUNT, and Mr. SPRATT.

H.R. 36: Ms. BERKLEY.

H.R. 63: Mr. KANJORSKI.

H.R. 97: Mr. ISRAEL, Mrs. BONO, and Mr. KANJORSKI.

H.R. 100: Mr. BROWN of South Carolina.

H.R. 132: Mr. WYNN, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. OWENS, Ms. CARSON of Indiana, and Mr. JACKSON of Illinois.

H.R. 135: Mr. MARSHALL.

H.R. 141: Mr. SCOTT of Georgia.

H.R. 168: Mr. NEAL of Massachusetts.

H.R. 173: Ms. BERKLEY, Mr. FILNER, Mr. THOMPSON of California, Mr. FALCOMA VAEGA, Mr. COOPER, Mr. CUMMINGS, Mr. BOSWELL, Mr. LEACH, Mr. NEY, Mrs. NORTUP, and Ms. DUNN.

H.R. 198: Mr. BARTON of Texas.

H.R. 218: Mr. BOUCHER and Mr. OXLEY.

H.R. 284: Mr. SHAW, Mr. CRENSHAW, Mr. SCOTT of Virginia, Mr. SANDLIN, Mr. LEVIN, Mrs. EMERSON, and Mr. GERLACH.

H.R. 286: Mr. KIRK.

H.R. 290: Mr. GOODLATTE and Mr. NETHERCUTT.

H.R. 303: Mr. ACEVEDO-VILA, Mr. PETRI, Mr. WICKER, Mrs. NORTUP, Mr. HAYWORTH, Ms. MILLENDER-MCDONALD, Mr. HINCHEY, Mr. KOLBE, Mr. PICKERING, and Mr. COSTELLO.

H.R. 306: Mr. STENHOLM and Mrs. BONO.

H.R. 308: Mr. COSTELLO.

H.R. 328: Mr. DEAL of Georgia, Mr. SCHROCK, Mr. JEFFERSON, and Ms. BORDALLO.

H.R. 348: Mr. TERRY.

H.R. 378: Mr. HOSTETTLER.

H.R. 412: Mr. BECERRA.

H.R. 463: Mr. HERGER.

H.R. 548: Mr. BURNS, Ms. DELAURO, Mr. DAVIS of Tennessee, Mr. BISHOP of New York,

Mr. HOEFFEL, Mr. WICKER, Mr. COLE, Mr. MOORE, Mr. NEAL of Massachusetts, Mr. PETERSON of Minnesota, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, Mr. BOSWELL, and Mr. CRANE.

H.R. 578: Mr. BECERRA.

H.R. 583: Mr. DAVIS of Illinois, Mrs. NORTHUP, Mrs. JO ANN DAVIS of Virginia, Mr. RAMSTAD, Mr. GOODLATTE, Mr. DOOLEY of California, Mr. WALDEN of Oregon, Mr. SULLIVAN, and Mr. HOEFFEL.

H.R. 584: Mr. EHLERS, Mr. UPTON, and Mr. LIPINSKI.

H.R. 611: Mr. TERRY.

H.R. 613: Mr. DAVIS of Tennessee.

H.R. 623: Mr. FORD.

H.R. 644: Mrs. CAPPS.

H.R. 660: Mr. BROWN of South Carolina, Mr. CANTOR, and Mr. SHAW.

H.R. 678: Mr. TAYLOR of Mississippi.

H.R. 684: Mr. PICKERING, Mr. CANTOR, and Mr. SMITH of Michigan.

H.R. 687: Mr. GOODE.

H.R. 692: Mr. JACKSON of Illinois.

H.R. 714: Mr. FROST and Mr. GOODE.

H.R. 732: Mr. TANCREDO, Mr. CAMP, and Mr. SPRATT.

H.R. 735: Mr. GOODE, Mr. MICHAUD, and Mr. PENCE.

H.R. 737: Mr. DAVIS of Florida.

H.R. 756: Mr. PUTNAM.

H.R. 766: Mr. JOHNSON of Illinois, Mr. BURGESS, Mr. LATHAM, and Mr. GREEN of Texas.

H.R. 767: Mr. CULBERSON, Mr. JONES of North Carolina, and Mr. WILSON of South Carolina.

H.R. 768: Mr. MICHAUD, Mr. RAHALL, Mr. CONYERS, and Mr. LEWIS of California.

H.R. 770: Mr. DOYLE.

H.R. 771: Mrs. KELLY and Mr. BURR.

H.R. 798: Mr. MARIO DIAZ-BALART of Florida and Mrs. MUSGRAVE.

H.R. 803: Mr. BERRY.

H.R. 804: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 806: Mr. RAMSTAD, Mr. FRELINGHUYSEN, Mrs. BONO, Mr. SANDERS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BERMAN.

H.R. 813: Ms. JACKSON-LEE of Texas.

H.R. 814: Mr. SMITH of Washington, Mr. BERRY, Mr. BLUMENAUER, Mr. MARKEY, Mrs. MALONEY, Mr. ENGLISH, Ms. JACKSON-LEE of Texas, Mr. BACA, Mr. CASE, Mrs. KELLY, Mr. SHERMAN, Mr. BASS, Ms. DEGETTE, Mr. NADLER, Ms. MCCOLLUM, and Mr. WHITFIELD.

H.R. 816: Ms. LOFGREN.

H.R. 823: Mr. HOLT, Mr. BOSWELL, Mr. DAVIS of Tennessee, Mr. GORDON, and Mr. WEXLER.

H.R. 834: Mr. TIAHRT, Mr. FORD, Mrs. EMERSON, Mr. HULSHOF, and Mr. BARTLETT of Maryland.

H.R. 837: Mr. LEACH, Mr. KING of Iowa, Mr. JANKLOW, Mr. WELLER, and Mr. LATHAM.

H.R. 839: Mr. ROSS, Mr. DAVIS of Tennessee, Mr. BOSWELL, Mr. SHAW, and Mr. PRICE of North Carolina.

H.R. 850: Mr. LATOURETTE, Mr. TERRY, Mr. BURR, Mr. GUTKNECHT, Mr. SAXTON, Mr. BONILLA, Mr. SHERWOOD, and Mr. TAUZIN.

H.R. 853: Mr. RYAN of Ohio.

H.R. 857: Mr. TAYLOR of Mississippi.

H.R. 859: Mr. TIAHRT and Mr. UDALL of Colorado.

H.R. 876: Mr. FILNER, Mr. QUINN, Mr. WHITFIELD, and Mr. MILLER of Florida.

H.R. 882: Mr. SOUDER and Mr. SIMMONS.

H.R. 887: Mr. GEORGE MILLER of California, Mr. ANDREWS, Ms. SOLIS, Mr. WOLF, and Mr. SMITH of New Jersey.

H.R. 896: Ms. CARSON of Indiana.

H.R. 898: Mr. YOUNG of Alaska, Mr. SOUDER, Mr. KIND, Mr. CARDOZA, and Mrs. NAPOLITANO.

H.R. 906: Mr. GRAVES and Ms. GINNY BROWN-WAITE of Florida.

H.R. 918: Mr. KILDEE and Mr. RENZI.

H.R. 919: Mrs. CHRISTENSEN, Mr. DOYLE, Mr. LATOURETTE, Mr. PLATTS, and Mr. JACKSON of Illinois.

H.R. 927: Mr. PETERSON of Minnesota, Mr. OTTER, Mr. FOLEY, Mr. WHITFIELD, Mrs. KELLY, Mr. LATOURETTE, and Mr. WALDEN of Oregon.

H.R. 930: Ms. VELAZQUEZ.

H.R. 932: Mr. SPRATT.

H.R. 935: Mr. SABO, Mr. RANGEL, Ms. ESHOO, Mr. WEXLER, and Mr. MCNULTY.

H.R. 937: Mr. COSTELLO and Mr. COLE.

H.R. 941: Mr. KILDEE.

H.R. 953: Mr. JACKSON of Illinois, Mrs. WILSON of New Mexico, and Mr. BOSWELL.

H.R. 955: Mr. PASTOR, Mr. HOLDEN, Mr. OBERSTAR, Mr. MORAN of Kansas, Mr. GILCHREST, Mr. WALSH, Mr. NADLER, Mr. KLECZKA, Mr. DICKS, Mr. ALLEN, Mr. PALLONE, Mr. RANGEL, Mr. INSLEE, Mr. ETHERIDGE, Ms. MCCOLLUM, Mr. MATHESON, Mr. CONYERS, Mr. KLINE, Mr. GORDON, Mr. VAN HOLLEN, Mr. MCNULTY, Mrs. MALONEY, Mr. UPTON, Mr. NEAL of Massachusetts, Mr. RAMSTAD, Mr. ENGEL, Mr. LATHAM, Mr. WALDEN of Oregon, Ms. LOFGREN, Mr. HASTINGS of Washington, Mr. SIMPSON, Mr. MARKEY, Mr. SMITH of Washington, Mr. BERMAN, Ms. DEGETTE, Mr. CLAY, Mr. SESSIONS, Mrs. DAVIS of California, Ms. SCHAKOWSKY, Mr. SIMMONS, and Mr. CASE.

H.R. 962: Mr. FILNER, Ms. SOLIS, Ms. ESHOO, Mr. SHAYS, and Mr. MCNULTY.

H.R. 977: Mr. BISHOP of Utah, Mr. SOUDER, Mr. UDALL of Colorado, and Mr. ROYCE.

H.R. 980: Mr. COX and Mr. ENGLISH.

H.R. 1005: Mr. RENZI.

H.R. 1007: Mr. BISHOP of New York and Mr. FORD.

H.R. 1008: Mr. TIAHRT, Mr. DUNCAN, and Mr. STENHOLM.

H.R. 1029: Mr. UDALL of Colorado.

H.R. 1046: Mr. EVANS, Mr. THOMPSON of California, Mr. INSLEE, Mr. DINGELL, Mr. LUCAS of Kentucky, Mr. HALL, Mr. DEUTSCH, and Ms. CARSON of Indiana.

H.R. 1070: Mr. MORAN of Virginia and Mr. ISAKSON.

H.R. 1972: Mr. NEY.

H.R. 1085: Mr. ROHRBACHER,

H.R. 1115: Mr. EMANUEL.

H.R. 1118: Mr. SHERMAN, Mrs. KELLY, Mr. SHAW, Mr. MARIO DIAZ-BALART of Florida, and Mr. BERRY.

H.R. 1119: Mr. MCDERMOTT, Mr. GARRETT of New Jersey, Mr. CALVERT, Mr. AKIN, and Mr. TOOMEY.

H.R. 1125: Mr. DAVIS of Florida.

H.R. 1126: Mrs. MUSGRAVE.

H.R. 1143: Mr. BRADY of Pennsylvania.

H.R. 1144: Mr. MCINTYRE.

H.R. 1148: Mr. WEINER, Mrs. NAPOLITANO, Ms. WATSON, Ms. LEE, Ms. NORTON, Mr. FROST, Mr. FORD, Mr. BACA, Mr. FRANK of Massachusetts, and Mr. NADLER.

H.R. 1157: Mr. HASTINGS of Florida.

H.R. 1162: Mr. DAVIS of Tennessee and Mr. WYNN.

H.R. 1163: Mr. BURTON of Indiana.

H.R. 1185: Mr. BLUMENAUER, Mr. FOLEY, and Mr. CASE.

H.R. 1196: Mrs. JONES of Ohio, Mr. CLAY, and Mr. WEXLER.

H.R. 1213: Mr. AKIN, Mr. ENGLISH, Mrs. CUBIN, and Mr. WELLER.

H.R. 1225: Mr. PAUL, Mr. GONZELEZ, Mr. BOEHLER, Ms. NORTON, Mr. INSLEE, Mr. SMITH of Washington, Ms. JACKSON-LEE of Texas, Mr. DEUTSCH, Ms. SCHAKOWSKY, Mr. HOEFFEL, Mr. COOPER, Mr. MEEHAN, Mr. HINCHEY, Mrs.

EMERSON, Mr. PLATTS, and Mr. UDALL of Colorado.

H.R. 1229: Mr. SCHROCK and Mr. BARTLETT of Maryland.

H.R. 1235: Mr. CANNON, Mr. SCHROCK, and Mr. WICKER.

H.R. 1236: Mr. BEAUPREZ.

H.R. 1244: Mr. FROST and Mr. HONDA.

H.R. 1245: Mr. GRIJALVA.

H.R. 1258: Mr. PRICE of North Carolina.

H.R. 1263: Mr. GONZALEZ.

H.R. 1272: Mr. MCNULTY and Ms. ESHOO.

H.R. 1275: Mr. BONILLA and Ms. MCCOLLUM.

H.R. 1279: Mr. CARSON of Oklahoma, Mr. MOORE, Mr. PENCE, Mr. BURTON of Indiana, Mr. SOUDER, Mr. SPRATT, and Mr. KIRK.

H.R. 1288: Mr. PAYNE, Mr. VAN HOLLEN, Mr. BOEHLERT, Mr. NETHERCUTT, Mrs. CUBIN, Mr. COOPER, Mr. SOUDER, Mr. HINCHEY, Ms. ROSS-LEHTINEN, Ms. LORETTA SANCHEZ of California, and Mr. KOLBE.

H.R. 1297: Mr. COSTELLO.

H.R. 1305: Mr. BRADLEY of New Hampshire, Mr. CLAY, and Mr. GUTKNECHT.

H.R. 1323: Mr. RYAN of Ohio, Mr. DEUTSCH, and Mr. SCHIFF.

H.R. 1332: Mr. WICKER, Mr. CAMP, and Mr. MOORE.

H.R. 1359: Mr. ABERCROMBIE.

H.R. 1366: Mr. BLUMENAUER and Mr. RAMSTAD.

H.R. 1377: Mr. FROST, Mr. ENGLISH, Mr. PAYNE, Mr. MCINNIS, Mr. RANGEL, Mr. PAUL, Mr. COOPER, Mr. BURNS, Mr. HINOJOSA, and Mr. FRANK of Massachusetts.

H.R. 1380: Ms. GRANGER, Mr. COLLINS, Mr. DOOLITTLE, Mr. RYAN of Wisconsin, Mr. TOWNS, and Mr. DAVIS of Illinois.

H.R. 1381: Mr. CONYERS, Mr. BELL, Mr. RANGEL, Mr. PALLONE, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, Mr. BRADY of Pennsylvania, Mr. PLATTS, Mr. RYAN of Ohio, Mr. JACKSON of Illinois, Mr. BERMAN, and Mr. GEORGE MILLER of California.

H.R. 1393: Mr. LINCOLN DIAZ-BALART of Florida and Mr. FROST.

H.R. 1397: Ms. MCCOLLUM, Mr. FROST, and Ms. BORDALLO.

H.R. 1401: Mr. RANGEL, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. OWENS, Mr. LIPINSKI, Mr. GRIJALVA, Mr. FALDOMA, Mrs. JONES of Ohio, Ms. BORDALLO, Mr. PAYNE, and Ms. BERKLEY.

H.R. 1408: Mrs. MYRICK.

H.R. 1415: Mr. DEUTSCH, Mrs. JONES of Ohio, Mr. FRANK of Massachusetts, Mr. WEXLER, Ms. BALDWIN, Ms. HOOLEY of Oregon, and Mr. SABO.

H.R. 1422: Mr. CAMP, Mr. DEUTSCH, and Mr. WHITFIELD.

H.R. 1440: Mr. WOLF.

H.R. 1451: Mr. STENHOLM, Mrs. WILSON of New Mexico, Mr. PETERSON of Pennsylvania, and Mr. UPTON.

H.J. Res. 4: Mr. PALLONE, Mr. OXLEY, Mr. HAYWORTH, Mr. GOODE, Mr. REHBERG, Mr. GERLACH, Mr. WALSH, and Mr. PUTNAM.

H.J. Res. 36: Mr. NADLER, Mr. SMITH of Washington, and Mr. BARTON of Texas.

H. Con. Res. 23: Mr. SOUDER.

H. Con. Res. 86: Mr. WU and Mr. FILNER.

H. Con. Res. 98: Mr. SCHROCK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STEARNS, Mr. FOLEY, Mr. HERGER, and Mr. KING of New York.

H. Con. Res. 109: Mr. SOUDER, Mrs. JONES of Ohio, and Ms. SOLIS.

H. Con. Res. 118: Mr. MORAN of Kansas, Mr. COLLINS, and Mr. STARK.

H. Con. Res. 119: Mr. FLAKE.

H. Res. 12: Mr. SANDLIN, Mr. PAUL, and Mr. ORTIZ.

H. Res. 60: Ms. ROS-LEHTINEN, Mr. KIRK, Mrs. NORTHUP, Mr. McNULTY, Mr. NETHERCUTT, and Mr. LYNCH.

H. Res. 65: Mr. FILNER, Mr. CUNNINGHAM, Mr. FARR, Mr. CARDOZA, Mr. PALLONE, Mr. EVANS, Mr. GUTIERREZ, Mr. CASE, Mr. SCOTT

of Virginia, Mr. DAVIS of Illinois, Mr. McDERMOTT, Mr. LIPINSKI, Mr. RUPPERSBERGER, Mr. HONDA, Ms. NORTON, Mr. EMANUEL, Mr. FRANK of Massachusetts, Mr. RUSH, Mr. JACKSON of Illinois, Mr. FRANKS of Arizona, Ms. CORRINE BROWN of Florida, Mr. FALCOMA, Mr. COSTELLO, Ms. SCHAKOWSKY, and Ms. BORDALLO.

H. Res. 108: Mr. CLAY.

H. Res. 117: Mr. BONILLA and Mr. LINCOLN DIAZ-BARLART of Florida.

H. Res. 141: Ms. NORTON.

H. Res. 142: Mr. SANDERS, Mr. THOMPSON of California, Mr. UPTON, Mr. ORTIZ, Mrs. CHRISTENSEN, Mr. COOPER, Mr. HINCHEY, and Mr. HASTINGS of Washington.