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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord, our refuge and our defense, show Yourself, our Deliverer. In the time of Moses, in response to the murmuring of Your people, You fed them in the desert. Amidst their struggles, Your servant Paul exhorted the early Christian community at Corinth not to grumble, but deepen their understanding. Yet in this Nation truly blessed and free, rich with options and opportunity, people find reasons to complain. Among the mournful crisis of this world, hear us and be patient with us, Lord.

Guide Your people, by Your spirit, that they may refine their perceptions and expand their vision so to distinguish mere inconvenience and frustration from true suffering and the pain of loss. The times and the issues which face this Congress and this Nation are so significant, Lord, You must silence the trivial in us.

You have called us to be Your moral witness and reform our lives. Free us from complaining so to learn determination, commitment, and perseverance; and prove ourselves faithful in living and unafraid to die for everlasting values now and forever. 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 Nebraska (Mr. TERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. TERRY 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.

CONGRATULATIONS TO JOB CORPS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Job Corps, a national program which serves more than 70,000 students each year, and especially I would like to congratulate Job Corps director Roy Larsen of Homestead and Luis Cerezo of Miami.

The Job Corps program teaches the job training skills necessary for young people to thrive in the workforce. Through cooperative work-based learning, students are able to gain hands-on experience which is vital to long-term career success.

Job Corps graduates enjoy a 91 percent placement rate through national partnerships with employers such as HCR, Manor Care, the U.S. Army, and Walgreens. These partners invest in Job Corps students and are rewarded with well-trained individuals to fill their employment needs.

Please join me in congratulating and recognizing the wonderful work that Job Corps provides and, most especially, Job Corps directors Roy Larsen of Homestead and Luis Cerezo of Miami for their dedication and hard work in the south Florida community and for our young people.

SOCIAL SECURITY IS AN IRREFUTABLE OBLIGATION OF U.S.

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Well, Mr. Speaker, the Republican majority has a new plan. Instead of taking on the extension of

the \$5.95 trillion debt ceiling, they are a little embarrassed to be increasing the debt of the United States when last year they predicted surpluses as far as the eye could see and paying the debt off within a few years. They are especially embarrassed that they are going to break open the Social Security lockbox, something they had us vote on seven times. They do not talk much about the lockbox anymore.

But now the most disturbing proposal. They are not going to raise the debt ceiling; they are going to disappear the Social Security trust fund. Yes, that is right. They decided yesterday that they are going to say that these special depository instruments, the debt of the Federal Government of the United States, which is held by the Social Security trust fund, over \$1 trillion, does not exist. Suddenly, they are wiping a couple of trillion dollars off the books, all because they do not want to take an embarrassing vote, or all because they do not want to roll back their obscene tax cuts or rein in their massive increases in military spending.

They cannot do this to the Social Security trust fund. It is an irrefutable obligation of the Government of the United States of America. They cannot disappear it.

NORTH KOREA AND THE AXIS OF EVIL

(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, President Bush said that there is an axis of evil governments at work in the world today, three countries ruled by evil governments that sponsor terrorism, practice genocide, and seek weapons of mass destruction. It should be pointed out that it is the governments, the rulers of these three countries the President has talked about, not the people who live there.

□ 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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No one knows better than the people of Iran, Iraq, and North Korea that their rulers are evil. Take, for example, the boy in this picture. A German doctor who was visiting the North Korean countryside took this photo more than a year ago. He said, When I see the brainwashing, starvation, concentration camps, medical experiments, and mass executions, I must say that Kim Jong Il is an upgraded version of Hitler's Nazi Germany. Children like this suffer from starvation, oppression, poor medical care, while the ruling elite live like kings.

The people of North Korea and other axis countries live in constant fear and, while they are sorely oppressed, they dare not complain. The people are not the ones that the President is talking about; it is the governments of these countries that are brutally oppressing their people.

CONGRESS HAS FAILED AGAIN

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, yesterday's vote in the other Chamber marked another sad chapter in America's inability to have an energy policy. Congress has failed again, as we unsuccessfully attempted to raise efficiency standards for the first time since 1975.

This means that this Congress has failed again to protect the environment, as we continue to consume 10 percent of the world's petroleum supply, just to get to and from work and the mall. Even if they invade the Arctic, relying on the most volatile region of the world for most of our energy is not going to change.

We have also failed the auto workers. Now people who want energy-efficient vehicles will have three choices in the next model year, all from Japan. The next time there is an energy shortfall, it will be foreign manufacturers in a prime position to satisfy consumer demand.

Most importantly, we failed the American public, the young people whose energy future we are squandering and the citizens that are more than willing to step up and meet this challenge of protecting the environment and conserving valuable petroleum resources.

I hope the public loses no opportunity to tell Congress about its misjudgment and lack of courage.

TRIBUTE TO CHIEF WARRANT OFFICER STANLEY L. HARRIMAN

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

Mr. HAYES. Mr. Speaker, today I rise in tribute to Chief Warrant Officer Stanley L. Harriman of Wade, North Carolina, killed in action as a result of enemy fire during Operation Anaconda.

He had been assigned to the Third Special Forces Group in my district at Fort Bragg, North Carolina. He was the first Army soldier from North Carolina to die in action in the Afghan war.

Stanley, a loving husband and father, was a model soldier. Spending more than 16 years in the military, he hoped to complete at least 14 more before he planned to retire. He dedicated his life to the Special Forces and graduated with top honors from warrant officer school. He had been deployed in Haiti, Kuwait, Nigeria, Germany, and for Operation Desert Storm. During his career he earned two Meritorious Service Medals, three Army Achievement Medals, and an Army Superior Unit Award, among many others.

The accolades of Chief Warrant Officer Harriman's military career speak for themselves. I would like to highlight his strong moral character and dedication to our country. Stanley wanted freedom. He wanted freedom for us and for his children. He believed in the fight to free the world of terrorism. Stan loved his country, and we must not forget the ultimate sacrifice that he made for us and our children.

Recently I had the chance to visit Afghanistan and see the outstanding work that the Special Forces have done. Sheila, Barbi, and Christopher, our thoughts, our prayers, and those of a grateful Nation, are with you today.

CONGRATULATIONS TO THE GIRL SCOUTS ON THEIR 90TH ANNIVERSARY

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

Ms. WOOLSEY. Mr. Speaker, I rise today to congratulate the Girl Scouts on their 90th anniversary. As a former Girl Scout, it brings me great pleasure to see the organization continue to teach girls to become strong, goal-oriented young women.

Since 1912, the Girl Scout program has been helping girls develop physically, mentally, and spiritually. Currently, there are more than 233,000 troops throughout the United States and Puerto Rico. Girls who participate in the Girl Scout program acquire self-confidence and empowerment. They take on responsibility, think creatively, and act with integrity. Our children are our future, and Girl Scout programs help shape these young minds to become good citizens and good leaders. Some actually become Members of Congress.

Mr. Speaker, I am proud to have participated in the Girl Scouts, and I hope that many other girls continue to have the opportunity to take advantage of what Girl Scouts have to offer.

OPPOSE YUCCA MOUNTAIN

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

Mr. GIBBONS. Mr. Speaker, the nuclear industry lobbyists are trying to simply pull the wool over our eyes. As well as most Members of Congress and the American people, we are gullible to some of their ludicrous remarks. They want us to believe that by supporting the Yucca Mountain project that the nuclear waste problem at over 100 commercial nuclear power plants will just disappear. Puff. Gone.

Now, I am not sure how many of us believe in fairy tales; but that is exactly what this is, a fairy tale of monumental proportions.

The truth is, there are over 100 nuclear waste sites around the country; and if Yucca Mountain was open, we would have not only those sites, but also Yucca Mountain, and high-level nuclear waste traveling across the country. After all, the waste will not just magically appear in Nevada, it will take at least 38 years and more than 96,000 truck shipments to transport the waste from 38 States.

Mr. Speaker, the viability of Yucca Mountain is not just a fairy tale, it is a nightmare. Protect America. Oppose Yucca Mountain.

THE MEDS ACT

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

Mr. ROSS. Mr. Speaker, adverse medical effects caused by patients misusing or not taking their medicine costs our health care system an estimated \$170 billion every year. Tragically, much of this cost results from seniors simply not being able to afford to buy the medicines they need or not knowing how best to take the drugs they have been prescribed.

The prescription drug benefit bill that the gentlewoman from Missouri (Mrs. EMERSON) and I have introduced, the bipartisan MEDS Act, addresses this heavy burden on our Nation's health care system. Our bill includes provisions that cover critical medical management services to monitor and ensure seniors know what medicines they are taking and how to take them properly.

Some Members are concerned about the cost of providing a prescription drug benefit. Health insurance companies are in the business of making a profit and even they cover medicine as part of their health insurance plan, because they know it helps people to get well quicker, to live healthier lifestyles, and to live longer.

Mr. Speaker, we need to put this issue into perspective and think about the cost of not providing a prescription drug benefit and the cost our overburdened health care system bears when seniors improperly take or simply cannot afford their medicines.

□ 1015

AMERICA SHOULD SUPPORT ITS ALLY, ISRAEL

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

Mr. PENCE. Mr. Speaker, it was a sunny day on Monday on the south lawn of the White House where I had the privilege of gathering with several thousand Americans to hear the President speak words to a troubled world.

He said, "There can be no peace in a world where differences and grievances become an excuse to target the innocent for murder." These words, Mr. Speaker, were no doubt a balm for our friends and allies in Israel, who have been suffering under the weight of an all-new escalation of mindless violence, suicide bombers killing even women and infant children returning from worship services.

So why, Mr. Speaker, did the State Department, through its spokesman, Richard Boucher, call for Israel to "exercise utmost restraint to avoid further harm to civilians"? Why did even the President yesterday say that Israel's recent military actions in self-defense were "not helpful"?

I am confused, Mr. Speaker. We should pray for the peace of Jerusalem, for those who love her of every race, but we must stand with Israel.

CALLING FOR THE STATE DEPARTMENT TO WORK TO BRING ABDUCTED AMERICAN CHILDREN HOME

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

Mr. LAMPSON. Mr. Speaker, yesterday we left off with the abduction of Ludwig Koons. On June 9, 1994, against a New York court order, Ilona Staller abducted Ludwig to Italy. A bench warrant was issued in New York. Ms. Staller kept Ludwig in hiding for over a month, and Jeff Koons had no contact with his son. He did not know where he was, if he was safe, nothing.

Due to the abduction and other circumstances, Mr. Koons was awarded temporary custody of Ludwig pending a final decision by the New York Supreme Court. In the fall of 1994, the Italian authorities charged Ms. Staller with parental kidnapping pending before the Pretura Penale di Roma. However, the Italian Government stalled and stalled. Proceedings on the charge were delayed for 2 years.

In December of 1994, custody was awarded to Jeff Koons by the Supreme Court of New York. The court entered a final judgment dissolving the marriage and blaming Ms. Staller for the breakdown of the marriage, and deeming Jeff the most fit parent.

Mr. Speaker, Jeff Koons was awarded custody of Ludwig by the Supreme Court of New York, yet Italy refuses to

acknowledge this. Where is our State Department? Does anyone care? Bring Ludwig Koons and all American children home.

INS SNAFU PROVES AGAIN THAT BIG GOVERNMENT CANNOT WORK ECONOMICALLY OR EFFICIENTLY

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

Mr. DUNCAN. Mr. Speaker, the Immigration and Naturalization Service has had a 250 percent increase in funding over the last 8 years, about 10 times the rate of inflation over that period. Now they are trying to blame the snafu over granting student visas to two dead hijackers over 6 months after the September 11 attacks to an antiquated paper system. What a flimsy excuse.

In other words, even with a 250 percent increase in funding, they are basically saying, "If we had had even more money, we would have done better." The problem is not money, Mr. Speaker, it is a civil service system that does nothing for good, dedicated employees, but protects lazy or incompetent ones.

Also, in the private sector, the pressure is always on to do more and to do better and to do more with less. These pressures are just not there in the Federal bureaucracy, and it becomes more apparent with each passing year that big government cannot do anything in an economical or efficient way.

IN MEMORY OF LT. COMMANDER CHRISTOPHER M. BLASCHUM

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

Mr. BOYD. Mr. Speaker, I rise today to recognize the heroic life of Lt. Commander Christopher Michael Blaschum, also known as Basher, who was a 1984 graduate of Port St. Joe High School in Florida.

Commander Blaschum, who will be buried tomorrow with full military honors, died March 2 when his F-14 Tomcat crashed shortly after takeoff from the USS *John F. Kennedy* in the Mediterranean Sea.

It is the ultimate sacrifice when a soldier or pilot dies for his country. We are able to enjoy the freedoms we have today because of men like Commander Blaschum and the hundreds of thousands of Americans who have given their lives in the fight for American principles over the last 225 years.

Time and time again, Commander Blaschum answered the call of his country, left his family and home, and served with distinction wherever he was sent. I extend my deepest condolences and the thanks of a grateful Nation to the family he left behind: his beloved wife, Jodi; their two young sons, Jackson and Max; his mother,

Pat Johnson; and his father, Michael Blaschum.

His efforts should remind us that all the liberties we enjoy come with a price. Let us always remember those who paid that price, and always remember Commander Blaschum.

HAPPY 90TH ANNIVERSARY TO THE GIRL SCOUTS

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

Mr. GUTKNECHT. Mr. Speaker, I rise today to say happy anniversary to the Girl Scouts. Ninety years ago this week, Juliette Gordon Low convened the first Girl Scout meeting of 18 members. Ms. Low's simple but focused principle that all girls should be encouraged to develop physically, mentally, and spiritually has strengthened 50 million alumni. Right now, 2.7 million of our Nation's girls are guided by Ms. Low's principles.

In the First District of Minnesota, the Girl Scout troops are strong in number and strong in spirit. Sandy Maulkenbur of Northfield, Minnesota, has recently attended NASA training. She shared in courses on how better to teach girls science and math.

Imagine, an entire generation of American girls who are excited and prepared for education and professional service in the sciences. Sandy and 200 other adults with training from NASA will mentor Girl Scouts in science to make this possible.

The Girl Scouts have a simple promise. It is a promise all Americans can be proud to recite, and I am proud to recite it now:

"On my honor, I will try to serve God and my country, to help people at all times, and to live by the Girl Scout law."

Happy anniversary to the Girl Scouts.

URGING PRESERVATION OF COLLECTION OF MALCOLM X DOCUMENTS

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

Mr. MEEKS of New York. Mr. Speaker, recently the most extensive collection of the late Malcolm X's writings ever collaborated was found in the hands of an anonymous private owner. The undisclosed person attempted to sell the collection to the highest E-Bay bidders. Fortunately, an investigation looking into the legitimacy of how the current anonymous owner acquired the documents is pending, and the notion of selling the collection has ceased for the time being.

Prior to this pending investigation, the lot was to be auctioned off into two dozen private hands, completely dispersing the writings to unknown whereabouts, making it difficult, if not impossible, for the public to access.

Many of these documents were written during the leader's last year, the last year of his life. The reflections of Malcolm X's innermost thoughts in these documents are of significance not only to his devout followers, but for all who thirst for wisdom. Knowledge is priceless, and those who place a price on knowledge may never come to realize its true value.

Good luck to the family of the Honorable El Hajj Malik El Shabazz.

SCANDALOUS INS ERROR SHOULD LEAD TO REFORM

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

Mr. JACKSON-LEE of Texas. Mr. Speaker, scandalous. Mr. Speaker, absolutely scandalous, when the INS issues a visa to two deceased terrorists who in fact were part of the September 11 tragedy.

What needs to be done is that the INS has to be demanded right now to implement their visa tracking system. The President has to order them to implement the program that already exists.

What else has to happen? The INS has to be restructured, not abolished. We must recognize that there are two distinct responsibilities, but they must be coordinated by a Deputy Attorney General for Immigration Affairs.

What must they do? Deal with the services aspect, for those who want to access legalization, those who are honest immigrants, and then coordinate with the enforcement so that we can stop at the borders the terrorists who want to come into our Nation.

Visas to deceased terrorists? Outrageous and scandalous. The President needs to order the INS now: Put that tracking system in place today and make it work.

BULGARIA

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

Mr. WILSON of South Carolina. Mr. Speaker, on Tuesday, I welcomed to Capitol Hill Ambassador Elena Poptodorova and Foreign Minister Solomon Passy of the Republic of Bulgaria. Ms. Poptodorova and Mr. Passy have been dynamic leaders to promote the establishment of democracy in Bulgaria.

My appreciation of the people of Bulgaria began in June, 1990, when I served as an election observer for the International Republican Institute. I saw firsthand the end of Communist totalitarianism and the birth of democracy.

Over the last decade, democracy has flourished in Bulgaria, and its economy grew 5 percent last year. In the war on terrorism, Bulgaria has been an enthusiastic ally of NATO and the United States. The people of Bulgaria have

warmly reestablished friendships with the people of America.

With its strategic location in southeastern Europe, with its talented people, and with its enthusiasm for democracy, I support Bulgaria's admission into NATO as soon as possible. I congratulate Ambassador Elena Poptodorova and Foreign Minister Solomon Passy for their efforts for coordinated defense in Europe.

TWO STRIKES AND YOU'RE OUT CHILD PROTECTION ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 366 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 366

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 366 is an open rule providing for the consideration of H.R. 2146, the Two Strikes and You're Out Child Protection Act.

The rule provides for 1 hour of general debate, evenly divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary. The rule further provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment.

□ 1030

This is a fair rule that will allow Members ample opportunity to offer amendments and debate this important issue.

I can think of few crimes, Mr. Speaker, as serious as the sexual abuse of children. I personally favor the death penalty for the criminals that we are dealing with in this legislation. Though this legislation does not go that far, it does treat repeat child molesters in a severe fashion.

H.R. 2146 would establish mandatory sentences of life imprisonment for twice convicted child sex offenders. This bill would apply to individuals committing sexual offenses against persons under the age of 17. Child sex offenders pose a very serious threat to society. Studies have shown that a single child molester can abuse hundreds of children. This number is particularly troubling when one considers that the abuse of one child is far too many.

Perpetrators of these unthinkable crimes steal the innocence of our Nation's children and corrupt society. According to the committee report, Mr. Speaker, victims experience severe mental and physical health problems as a result of these crimes. These problems include increased rates of depression and suicide as well as all sorts of other serious problems.

We must do everything in our power to ensure that repeat sex offenders are kept off of our streets. Mr. Speaker, we sadly live in a world where children are all too often forced to grow up much too quickly. I ask that my colleagues help us in protecting our children from sexual offenders by passing this critical piece of legislation.

I would like to thank the gentleman from Wisconsin (Mr. GREEN); the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary; and all those who have worked so diligently to bring this legislation forward.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying legislation.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding

me the time. This is an open rule. It will allow for the consideration of a bill that would establish a mandatory sentence of life in prison for anyone convicted a second time for sexual offenses against children.

The legislation applies only to cases on Federal properties such as military bases and national parks. As my colleague has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

Mr. Speaker, sex offenses against children are among the disturbing crimes in our society and each attack can be a tragic event that will leave a permanent psychological scar on its victim. Punishment should be severe. It is important to lock up offenders so that they do not have the opportunity to strike again. This is the justification behind this bill.

However, I must use this opportunity to express some concern over eliminating the flexibility of the courts to make the sentence fit the unique events behind a particular case. Experts have pointed to a number of undesirable practices that could occur by requiring such a strict sentence regardless of the circumstances.

Mr. Speaker, this is an open rule. Members will have a chance to change this bill. They will have the opportunity to perfect it through the amendment process. I support the rule.

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

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 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. Speaker, I am sorry my voice is a little raspy, but my heart is certainly not raspy but concerned about the nature of the acts against children when they are sexually molested or abducted; and so in general I think the idea of acknowledging the viciousness of those who would sexually molest and abduct children is very valuable. And the underpinnings of this legislation, I recognize the importance of and clearly believe that we should move in the direction, however, with one concern as the ranking member indicated, whether or not our Federal judges would have some discretion to deal with cases that warrant determinations of difference other than what this legislation proposes.

As I speak to that issue, I believe and hope that my amendment concerning a study of the impact of this legislation would be received and accepted. And

then I would like to move to another discussion, Mr. Speaker, and that is of a present circumstance that is going on in my district right now. I am going to ask this House to weigh the germaneness that might be raised against an amendment that I propose because we have a problem, and I believe this is a Federal problem.

As I speak, a 13-year-old in Houston, Texas, has been abducted, someone who simply wanted to do her homework Sunday night. She lives in an apartment. She is an immigrant, Spanish speaking. She just wanted to go 100 feet down the street to get a Sunday newspaper dutifully doing a school project. And her mother indicated, can you wait till Monday morning, and my colleagues know how good students are in the 7th grade. She said she needed the Sunday paper. Lo and behold, on Monday morning when she did not return or early that morning when the mother was frantic, the police found sneakers scattered, papers scattered and obviously something has gone awry.

What a tragedy, Mr. Speaker, that here in the face of this legislation we now have a circumstance that this child is missing, but let me tell my colleagues the absolute insult.

As the officers were poring over lists of known sexual offenders, concentrating on the girl's neighborhood, the Texas Department of Public Safety lists 25 registered sex offenders in one ZIP code. This is unbelievable. This has no sense to it. This is a tragedy in its own making, and I hope the leaders of this legislation can find some sense to allowing an amendment that investigates how we can put 25 sex offenders in one ZIP code, and this has to do with Federal funding and a nexus as to whether or not these States should have these dollars. We have to find some other way of dealing with this.

Mr. Speaker, thanks very much for the tolerance of my outrage, but we need an amendment that will stop putting this overabundance of sex offenders in one neighborhood; and we need to find little Laura Ayala now.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Pursuant to House Resolution 366 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. 2146.

□ 1039

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. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children, with Mr. TERRY 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 30 minutes.

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

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

I rise in support of H.R. 2146, the Two Strikes and You're Out Child Protection Act. This bill would establish a mandatory sentence of life imprisonment for twice-convicted child sex offenders.

The bill states that any person convicted of a Federal sex offense against a person under the age of 17 who has been previously convicted of a similar offense at the State or Federal level would be subject to a mandatory minimum sentence of life imprisonment. The term "Federal sex offense" includes various crimes of sexual abuse committed against children and the interstate transportation of minors for sexual purposes.

According to the Justice Department's Bureau of Justice Statistics, since 1980 the number of persons sentenced for violent sexual assault other than rape increased annually by an average of nearly 15 percent, which is faster than any other category of violent crime. Of the estimated 95,000 sex offenders in State prisons today, well over 60,000 most likely committed their crime against a child under age 17.

Compounding this growing problem is the high rate of recidivism among sex offenders. A review of frequently cited studies of sex offender recidivism indicates that offenders who molest young girls repeat their crimes at rates up to 25 percent and offenders who molest young boys at rates up to 40 percent. Moreover the recidivism rates do not appreciably decline as offenders age.

Another factor that makes these numbers disturbing is that many serious sex crimes are never reported to authorities. National data and criminal justice experts indicate that sex offenders are apprehended for a fraction of the crimes they commit. By some estimates, only one in every three to five serious sex offenses are reported to authorities, and only 3 percent of such crimes ever result in the apprehension of an offender.

Studies confirm that a single child molester can abuse hundreds of children. It goes without saying that any attack is devastatingly tragic for the victim and will leave a scar that will be carried throughout life. Victims experience severe mental and physical

health problems as a result of these crimes. These problems include increased rates of depression and suicide, as well as reproductive problems. The effect of sexual abuse resonates from victim to family and continues to weave through the fabric of our communities.

Children have the right to grow up protected from sexual predators and free from abuse. H.R. 2146 will protect America's children by permanently removing the worst offenders from our society, those who repeatedly victimize children.

Mr. Chairman, I urge my colleagues to support this legislation.

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

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

I rise in opposition to H.R. 2146. It is a perfect example of what the Judicial Conference of the United States Courts describes as the type of legislation that "severely distorts and damages the Federal sentencing system and undermines the sentencing guideline regimen established by Congress to promote fairness and proportionality in our sentencing system."

Under the bill, Mr. Chairman, the mandatory minimum penalty for second offense of consensual touching by an 18-year-old of his 14-year-old girlfriend is life imprisonment without parole, the same penalty for a sexual offense against a child which results in the child's death.

Mr. Chairman, 2243(a) violations which are included in the bill involve consensual acts between a 13- to 15-year-old minor and someone who is at least 18 years of age, more than 4 years older than the minor. "Sexual act" is broadly defined to include even consensual touching. And since attempts are punished in the same manner under the law as the completed act, even a second attempted touching mandates life without parole.

An older sexual predator may well deserve life without parole for even attempted consensual touching, but no rational sentencing scheme would treat an 18-year-old attempting to touch a 14-year-old girlfriend in the same manner.

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Proponents of the bill suggest that a second consensual offense between teens could not occur because by the time the first case is over, the offender, who has served his sentence, would no longer be a teen. This does not take into account the fact that the likely judgment for such a first offense would be probation. All it takes for these kinds of cases to end up in court is a determined parent and equally determined teens, and, bam, life without parole for what children refer to as "petting."

The current penalty maximum for a second offense under 2243(a) is 15 years. We do not have to mandate life in prison to get all of the cases for which life

would be deserved. To get the cases for which 15 years is not harsh enough, we can increase the maximum penalty. So, Mr. Chairman, at the appropriate time, I will offer an amendment to raise the maximum possible sentence for violations of 2243(a) to life imprisonment, and leave it to the Sentencing Commission and the courts to distinguish which cases deserve harsher punishment than 15 years, rather than taking the draconian approach in this bill and mandating life without parole for all cases, regardless of circumstances.

One thing should be clear, Mr. Chairman, the bill only applies where there is Federal jurisdiction. Therefore, none of the cases, virtually none of the cases that will be referred to by the supporters of the bill will be affected by the bill because those are State cases. The Federal jurisdiction would be those on Native American reservations, national parks and U.S. maritime jurisdiction.

Only a few cases fall under that jurisdiction, the requirement of Federal jurisdiction; at least the information we have gotten from the Sentencing Commission is that it might affect 60 cases. But virtually all of those cases will be for Native Americans on reservations.

It is unfair that Native Americans will be subjected to such a grossly disproportionate impact from the draconian legislation just because they live on a reservation. The bill will create the anomaly of two like offenders committing the same offense in the same State with one getting probation and the other getting life without parole because he lives on a reservation.

That is why, Mr. Chairman, I will offer another amendment that will allow tribal governments to opt out of the provision of the bill in the same manner as we did for the "Three Strikes and You're Out" bill a few years ago. There is no evidence that there is any particular problem with sex crimes against children on reservations or any other Federal jurisdiction, and there is nothing to suggest that to whatever extent there is a problem it is not being appropriately dealt with under Federal jurisdiction now.

Interestingly enough, Mr. Chairman, prior marriage is a bar to prosecution under 2243(a). All over this Nation, States recognize the rights of parents to give consent to a minor, often as young as 13, where the spouse could be as old as 40 or older. In all likelihood, before the marriage, they will have been committing offenses which could result in life without parole under the bill. If there is any debate within the family about the appropriateness of the marriage, life without parole creates an interesting new idea about the shotgun wedding.

The problem with this bill, Mr. Chairman, is the problem of mandatory sentences in general. They eliminate reason and discretion in order to promote the politics of tough on crime. There is no study or data or other reasoned basis for this bill. The entire rea-

son is its title, the baseball phrase "two strikes and you're out." If "two strikes and you're out" is not even good baseball policy, why would we arbitrarily conclude it is good crime policy?

Another major concern is that it would have the chilling effect on victims coming forward to report sex crimes if the victim knows the result will be that the perpetrator will have to serve life without parole. For example, a teen victim may be reluctant to turn in an older sibling or other family member if they know that the offender will have to face life without parole.

In addition, H.R. 2146 would lead to a victim being killed to lessen the risk of being caught. The law professor and criminologist who testified before the Subcommittee on Crime on an earlier version of this bill stated that facing life without parole, a sex offender would have little further to lose by eliminating the victim, who is often an important witness against the offender.

Now, considering the penalty for second-offense murder is less than second-offense petting, we can see why this is a concern. So, Mr. Chairman, I oppose the bill in its present form, but believe we can fix the worst problems in it, and I, along with other colleagues, will offer amendments designed to do so.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. GREEN), who is the author of the bill.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time, and I begin by thanking my friend and colleague from Wisconsin for his work in bringing this bill forward. I appreciate it very, very much.

First, let me say that this bill is not new to this House. This House has already passed the bill twice on a voice vote. The State version of this legislation is already the law in Wisconsin, and other States are looking at it. The cosponsorship of this legislation is bipartisan. In fact, it includes the chairman of the Democratic Caucus.

The reason this bill has such strong support is that its objective is unassailable, preventing repeat child molesters from continuing to prey upon our young kids. This bill is a very simple one. It does not federalize any crimes. It does not change the terms of underlying criminal laws. This bill is not about sending a message, this bill is not about deterring crime, it is about getting bad guys off the streets so they cannot attack more innocent children.

This bill says very simply, If you are arrested and convicted of a serious sex crime against kids, and then after you have done your time and you are released, you do it yet again, that is the end of the line. You are going to go to prison for the rest of your life. No more chances and, Lord willing, no more victims.

Now, my good friend and colleague, the gentleman from Virginia (Mr. SCOTT), said there are no good studies for this bill. I could not disagree more. Study after study supports this bill. A 1992 study from the National Center for Missing and Exploited Children found that the average pedophile commits 281 offenses, with an average of 150 victims. One hundred fifty victims. There are other studies that do much more; the numbers are higher. For purposes of the debate today, we have tossed out those high numbers. We have come up with an average of 201.

So think about that number as we have the debate today, 201 victims per pedophile. There are other studies, as I said, that put the number higher. Those studies recently caused former Attorney General, Democratic Attorney General, Janet Reno to estimate that the recidivism rate of child molesters is 75 percent.

This bill is necessary because, thankfully, the number of attackers is relatively small; but tragically, the number of victims, the number of lives destroyed, innocence stolen, is incredibly and unacceptably high. If someone is arrested and convicted of a serious sex crime against kids, and then after they are released, they do it yet again, they have shown that they are unwilling or unable to help themselves. We must get them off the streets so their reign of terror will end.

Congress must stop this tragedy. It is happening in too many places across this country to too many young people, to too many families. I urge our Members to take this measure up. Let us get this done quickly. This is important. This will save lives.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume just to point out that the cases that have been mentioned probably do not even come under the bill.

First of all, if the average is 201 before apprehension, the bill will have no effect because it will not be a second offense. Second, you have to charge at least one of them as being on Federal property after the prior conviction. And, third, it does include misbehaving teenagers.

The bill needs to be reworked. It can get those we are trying to get, but it is overinclusive and many people who do not deserve life without parole will be brought up under it.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), who is the chairman of the Subcommittee on Crime.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Wisconsin, the chairman of the Committee on the Judiciary, for yielding me this time, and I strongly support H.R. 2146, the Two Strikes and You're Out Child Protection Act, introduced by the gentleman from Wisconsin (Mr. GREEN).

This bill will amend the Federal Criminal Code to provide for manda-

tory life imprisonment of a person convicted of a Federal sex offense in which a minor is the victim, when the person has previously been convicted of a State or Federal child sex offense. This is important legislation that will protect our children from sexual predators.

Studies have shown that sex offenders and child molesters are four times more likely than other violent criminals to recommit their crimes. Even more disturbing is the number of victims the average pedophile abuses in a lifetime. While any criminal's subsequent offense is of public concern, preventing child sexual predators from repeating crimes is particularly important, given the irrefutable harm that these offenses cause victims and the fear they generate in the community. Sexual assault is a terrifying crime that can leave its victims with physical, emotional, and psychological scars.

Mr. Chairman, this legislation will provide law enforcement officials with the ability to permanently remove those individuals from our society, who have demonstrated that they will continue to prey upon our children if not incarcerated.

Based upon the testimony before the Subcommittee on Crime, this bill enjoys broad support from victims' rights organizations, correction officials, as well as those who suffer from sex offenders' actions. Mr. Chairman, I urge my colleagues to support this legislation.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I am here this morning to show my strong support for H.R. 2146, the Two Strikes and You're Out Child Protection Act, sponsored by my good friend, the gentleman from Wisconsin (Mr. GREEN). This legislation would bring to justice the worst kind of sexual predators in our Nation, those who prey on our children.

Statistics have shown that giving these predators two strikes is more than enough for what they are doing to our children. Actual rates of repeat offenders are two-and-a-half times higher than are reported. A study of offenders, as the gentleman from Wisconsin (Mr. GREEN) was referring to earlier, shows those with two offenses each, in actuality, in one study, were found to have 110 different victims and committed 318 different offenses each. And, sadly, it is obvious that victims of child sex offenders have a higher risk of depression and suicide and are more likely to abuse alcohol and drugs.

I know this will be a stringent and difficult guideline, but as a man with four children of my own, I think it is time that we crack down. Ronald Reagan said that government's first duty is to protect the people. By passing this important legislation, we stand up and say "no."

Now, I know there are some who wish to make some changes in this legislation, like exempting certain groups or geographic areas from its application. We cannot allow that to happen. Exempting some would only create a safe harbor for these predators to prey. If we exempt a certain area, we are saying to those children, Your safety and well-being matters less than our children's.

Mr. Chairman, in this time of war, it is important for us to focus on foreign predators who wish to end our existence and our democracy, but we cannot forget to focus on those who wish to take advantage of the fairness and mercy of our judicial system by harming our most vulnerable, our children. Please join me in supporting H.R. 2146.

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Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. LUCAS).

Mr. LUCAS of Kentucky. Mr. Chairman, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time, even though we are on opposite sides of this issue.

I rise in support of the Two Strikes and You're Out Child Protection Act. I thank the gentleman from Wisconsin (Mr. GREEN) for his hard work on this legislation.

I think too often Americans have heard the cases of heinous crimes committed against children by criminals who turn out to be repeat offenders. Despite the best efforts of local and State law enforcement officers, convicted pedophiles still threaten the well-being of our children. I believe we must do everything we can to keep sex offenders off the street and away from our youth. This bill takes a step in the right direction. Many States have already passed laws known as Megan's laws to notify communities when a sex offender moves into the neighborhood. Today, we have an opportunity to see that some of these offenders never have the opportunity to move into our neighborhoods in the first place.

Today, by passing the Two Strikes and You're Out Child Protection Act, we can ensure that these lowest of all criminals are moved out of residential blocks in our communities and moved into the cells of Federal prisons.

I support this bill wholeheartedly. I urge my colleagues to do so.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume, just to mention that if someone is caught molesting 300 children, it is hard to believe that with consecutive sentences that they would ever get out, first or second offense. This also, unfortunately, includes misbehaving teenagers who would be treated, under this bill, worse than murderers.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time, and I want to also thank the gentleman from Kentucky (Mr. LUCAS) for his support for this legislation.

The issue just raised by my friend and colleague, the gentleman from Virginia (Mr. SCOTT), about the so-called casual teenage statutory rape scenario, we will talk about a little later on. I think Members will see that is not an applicable scenario to this legislation. But, Mr. Chairman, what I would like to do here is focus everyone's attention to this chart. On this chart there are three numbers. These three numbers are important because I believe that this whole debate really comes down to these three numbers. These three numbers say it all: 16, 75, and 511. What do those numbers stand for?

Sixteen. Sixteen represents the number of years that a sexual offender commits his crime before he is caught. So when you see a sexual offender on television, of someone being caught, convicted and being tried for their offense, understand that, on average, he has been doing this for 16 years before he gets caught. Sixteen. Think of how much damage and destruction, how many lives he has destroyed.

The second number, 75. Seventy-five is the recidivism rate for child molesters as estimated by Attorney General Janet Reno, a Democrat. She wrote this last year in an article that she believes the recidivism rate is about 75 percent. Again, that goes to what we have been saying all along, that these are unusual crimes. This is not run-of-the-mill crime in any sense of the word. And that if we have someone who is arrested and convicted of a serious sex crime against kids and they have done it yet again after they are released, studies tell us, the numbers tell us they are going to do it again and again and again unless we stop them.

Five hundred eleven. This is the most troubling number of all. This is a number that I do not make up. This is a number that comes from a study done in the year 2000 by "Sex Abuse," the journal of research and treatment into this area of sexual offenders. Five hundred eleven represents the average number of crimes committed by admitted child molesters; 511 per molester. That number is so large, it is hard for us to even imagine, to even comprehend it. And we cannot comprehend it, because these individuals are sick. They are sick monsters in every sense of the word. But once again, these numbers tell us that if someone is arrested and convicted of a serious sex crime against kids and they serve their time and they are released, if they do it yet again, they are self-identified. They have told the world that they are either unwilling or unable to help themselves. Congress has to step in.

This bill is not about sending a message. This bill is not about piling on. This bill is not about deterrence. This

bill is very simply, given these numbers, given the recidivism rate, this is simply about taking these sick monsters off the streets, away from schools, away from our children, to protect our children, to protect our families, to try to end the cycle of horrific violence that is every parent's nightmare. That is what this bill is about, these three numbers.

I urge my colleagues to support this bill. Let us get this on the Senate's desk. Let us encourage the Senate to act. Let us break the cycle of violence.

Mr. BLUMENAUER. Mr. Chairman, I rise today in support of H.R. 2146, the Two Strikes and You're Out Child Protection Act. One reason I support this legislation is because, it is estimated that child molesters are four times more likely than other violent criminals to recommit their crime.

Despite my support, I am concerned that this legislation, since it only applies in Federal jurisdiction, will have a disproportionate racial impact on Native Americans. I am pleased that my colleague BOBBY SCOTT offered an amendment to add a new section including special provisions for lands occupied by Native Americans. However, the amendment failed by voice vote. It is my hope that as this bill is forwarded to the Senate, attempts to address this imbalance will occur.

Mr. STARK. Mr. Chairman, I rise today in reluctant opposition to H.R. 2146, the Two Strikes and You're Out Child Protection Act. Protecting our children from abuse is of paramount importance. Unfortunately, the potentially harmful consequences of this bill outweigh its benefits.

My primary concern with H.R. 2146 is its mandatory sentencing requirements. Mandatory sentencing laws tie the hands of judges. Such laws remove the flexibility judges need to carefully review every case and assess the individual circumstances of their cases. For example, this bill could force a judge to sentence someone to life in prison for a minor offense. Furthermore, in some abuse cases, particularly those involving family members, treatment and counseling may effectively address the offending behavior. This bill would eliminate the prospect for such treatment. When sentencing, judges need to have the discretion to determine when a plaintiff is a sexual predator that could threaten other children, versus someone whose problems could be addressed through treatment, counseling or other means.

In addition to my concerns about mandatory sentencing, this bill has an unintended racial bias. This bill is limited to cases falling under federal jurisdiction, meaning it would apply primarily to Native Americans on reservations. It would have no effect on the type of cases used to justify the bill, such as the Polly Klaus case. That was a state case and so this bill would have no effect. There is no evidence to suggest that child abuse is particularly prevalent on Native American reservations, so this bill unfairly singles them out.

We need strong laws to protect children from abuse. Such laws, however, must give our judges the proper authority to best protect the interests of our children and their families. In that regard, this bill falls short, so I must reluctantly vote against the bill.

Mr. RILEY. Mr. Chairman, I am pleased to support H.R. 2146, the Two Strikes and

You're Out Child Protection Act. I believe the youth of this Nation are our most important and precious commodity, and those who violate these children must be punished to the fullest extent of the law.

Unfortunately, we have all seen what the abuse, both physical and mental, can do to the victims of these sexual predators. It is devastating, and those wounds do not heal even when these children reach adulthood. In addition, studies have shown that child sex offenders are more likely to reoffend than any other type of criminal, and there is nothing more frightening to a parent than the thought of one of these monsters having any kind of contact with their children. I firmly believe that these repeat offenders should be permanently locked away, not only as punishment, but also to protect children who are defenseless against these predators.

In closing, I would like to reiterate my strong support for this legislation. As a parent and a representative of the citizens of this country, I believe we must implement every safeguard possible to protect our children. We cannot afford to stand idly by and allow the evil-doers that prey on children to ruin any more lives. These individuals must be locked away, for life.

Ms. KILPATRICK. Mr. Chairman, first and foremost let it be known that I strongly support the protection of children from child molesters and the punishment of those who molest children to the full extent of the law. I am, however, concerned that the use of mandatory minimum sentencing guidelines is not the right direction to take. This measure is another expansion of the use of mandatory minimum sentencing without the benefit of studying their true impact. Mandatory minimum sentences, particularly as they pertain to drug sentencing, have resulted in a skyrocketing prison population with no end in sight. Our prisons today are filled with nonviolent drug offenders serving harsh sentences for acts that treatment might better address. I believe that our experience in this area has shown that crimes are best assessed on a case-by-case basis, by a judge and jury of one's peers. I do not believe we should enact more legislation that takes the administration of justice away from our Nation's judges.

Mr. SMITH of New Jersey. Mr. Chairman, today I rise in strong support of H.R. 2146, the Two Strikes and You're Out Child Protection Act. The premise of the bill is simple: if you are convicted twice of any Federal sex crime, and the crimes take place on Federal property, then you go to prison for life.

Study after study shows that criminals who prey upon children are more likely to reoffend than any other category of criminal. According to a 1999 study by the Center for Sex Offender Management, 16 years goes by before the average sex offender is caught and a recent 2000 study in the issue of sex abuse found that the average sex offender commits 511 crimes. As you know, they victimize, on average, hundreds of children and commit several hundred different offenses and unfortunately, they are prosecuted for only a tiny fraction of their horrific acts.

Mr. Chairman, these statistics are all too real—in my district in New Jersey, a 7-year-old girl, Megan Kanka, was raped and then murdered by her neighbor, Jesse Timmendquas in 1994. He was a two-time convicted sex offender who was released

early from prison after serving 6 years of a 10 year sentence. Mr. Timmendquas lived across the street from the Kanka family in a house he shared with two other sex offenders—and neighbors were not aware of their criminal past.

In light of Megan Kanka's horrific tragedy, I worked alongside my colleagues to pass "Megan's Law." At first, this legislation was established at the State level. Later, we were successful at winning support at the Federal level to require states to inform the public when dangerous sex offenders are released from prison and move to their neighborhoods.

The combination of the Two Strikes You're Out Child Protection Act, and Megan's Law, will provide important tools to protect our communities from sex offenders. It is my hope that we will eventually expand the Two Strikes and You're Out Child Protection Act nationwide, and into all states and territories.

The people who repeatedly sexually molest children do not deserve to roam free. When they are free, they molest children. Until modern medicine can cure the sick mind that compels sex offenders to commit their horrific crimes, they should not be allowed to leave prison. Period.

Megan Kanka's death could have been prevented. All of us in Congress have a special burden to make sure that our laws adequately protect children from the likes of Mr. Timmendquas. H.R. 2146 is a good step in the right direction.

Protecting our children from sexual predators requires a comprehensive, multilayered approach. I am proud to have been the prime sponsor of legislation, the Victims of Trafficking and Violence Protection Act (P.L. 106–386), which contained two key provisions to help fight child molesters. The first provision of P.L. 106–386 would expand the "Megan's Law" concept to college and university communities. Under the new law, law enforcement authorities are required to notify local communities when a registered sex offender is enrolled or employed at a local college or university.

The second provision was called "Aimee's Law," and is designed to punish states that release dangerous sexual felons back into our communities in the first place. Under "Aimee's Law," if a State lets a sexual predator loose, and that predator moves to another State and victimizes another person, the second State can petition the Attorney General to have law enforcement grant funds transferred from the first State to the second State as a form of interstate compensation. The central idea behind the law is to discourage States from releasing sex offenders early.

As the father of four children, I share the anger and frustration that parents across our country have regarding sexual predators and the grave danger they pose to our country's children. As my colleagues are aware, I have worked with many of you in the effort to pass and enforce tough laws to crack down on child pornography, precisely because I believe it leads to diabolical crimes such as sexual molestation and rape of young children. The Two Strikes and You're Out Child Protection Act will take these people who prey on our children off the streets and into jail—where they belong—for life.

I urge my colleagues to unanimously support the Two Strikes and You're Out Child Protection Act.

Mr. GILMAN. Mr. Chairman, I rise in strong support of H.R. 2146, the Two Strikes and You're Out Child Protection Act which will amend the current code and provide for no less than automatic life imprisonment for repeat child sex offenders.

There are few crimes which are as evil and heinous as those committed by sexual predators against innocent children. Those sick, twisted individuals not only destroy the lives and the innocence of the children upon whom they prey, but they also impact forever on entire families and communities.

It is estimated that over two-thirds of the sex criminals imprisoned today preyed on minors. Moreover, studies show that child sex offenders are more likely to reoffend than any other category of criminal. Accordingly, this legislation is the least we can do to ensure that these deviants are not provided the opportunity to commit these egregious crimes again and again. Once is unspeakable. Twice should be life. Accordingly I urge my colleagues to vote "yes" on this important and timely legislation.

Mr. PAUL. Mr. Chairman, as an OB-GYN who has had the privilege of bringing over 3,000 children into the world, I share the desire to punish severely those guilty of sexual abuse of children. In fact, it is hard to imagine someone more deserving of life in prison than one who preys on children. However, I must offer a cautionary note to the legislation before us, which would establish a mandatory lifetime sentence for anyone convicted of two child sexual abuse crimes.

The bill before us today simply expands Federal penalties for already existing Federal crimes, and does not in any way infringe on the jurisdiction of the States. However, Mr. Chairman, I would ask my colleagues to consider whether child sexual abuse should be a Federal crime at all. The Constitution specifies three Federal crimes, namely treason, piracy, and counterfeiting. It is a stretch, to say the least, to define child abuse as a form of treason, piracy, or counterfeiting. Therefore, perhaps the best means of dealing with child sexual abuse occurring on Federal lands across State lines is to turn the suspected perpetrator over to the relevant local jurisdiction and allow the local authorities to prosecute the crime.

As I stated before, it certainly is a legitimate exercise of government power to impose a lifetime sentence on those guilty of multiple sex crimes against children. However, I would ask my colleagues to consider the wisdom of Congress' increased reliance on mandatory minimums. Over the past several years we have seen a number of cases with people sentenced to life, or other harsh sentences, that appear to offend basic principles of justice. Even judges in many of these cases admit that the sentences imposed are in no way just, but the judiciary's hands are tied by the statutorily imposed mandatory minimums.

In conclusion, Mr. Chairman, while I believe this is a worthy piece of legislation, I hope someday we will debate whether expanding Federal crimes (along with the use of congressionally mandated mandatory minimum sentences) is consistent with constitutional government and fundamental principles of justice.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am glad that we had the opportunity to discuss the merits of this bill last July 2001, in the Crime Subcommittee. There, we heard some very moving testimony from witnesses

who have experienced first-hand, the horrors perpetrated by sex offenders and the pain and helplessness of their victims and the victims' families. I believe that Congress must do all that we can to recognize these horrors and approach solutions intelligently, and with level heads.

Having said that, I must raise my concerns with the bill before us, H.R. 2146, the "Two Strikes and You're Out Child Protection Act."

This bill would mandate that any person convicted of a "Federal sex offense" be imprisoned for life if that person was previously convicted of a similar offense under either federal or state law.

Federal sex offense is defined in H.R. 2146 to include offenses sexual abuse, abusive sexual contact, and the interstate transportation of minors for sexual purposes. However, this measure does not include the pornography or coercion and enticement crimes, and limits offenses to those involving a minor.

Of course, I support efforts to adequately punish those convicted of multiple sex crimes, and as a parent, I sympathize and recognize the efforts and passions of the proponents of this bill, which seeks to address the very serious problem of sex crimes.

The problem is clear: in this Nation every 19 seconds a girl or woman is raped; every 70 seconds a child is molested; and every 70 seconds a child or adult is murdered. Yet, despite these horrific statistics, the average time served in prison for rape is 5 years and the average time served in prison for molesting a child is less than 4 years. Clearly there is a disconnect between the facts and the current solutions to the problem.

In the Subcommittee on Crime hearings we heard from proponents of this bill as they relayed the heart-wrenching stories of multiple sex offenders who, because of loopholes in the criminal justice system, continued to abuse women and children in numerous different counties throughout the country.

I recognize that the Sentencing Commission is concerned that increased punishments for sex crimes committed against minors would create unfair disparities in sentences.

So, while I believe that this bill addresses some of the worst crimes in our society, I also know that it is our responsibility as legislators to carefully deliberate the ramifications of any legislation to ensure that we take into account the rights of all stakeholders in this process.

Before we move forward sweeping legislation as is currently before us, I believe that we need a better understanding of the alternatives available to us. In its current form, this legislation and its mandatory life sentences, eliminates the opportunity for the family, the community, the professionals, and the court system, to work in conjunction in order to address the needs of the victim and the offender in terms of healing and rehabilitation.

This bill fails to address the reality that there are few resources in Federal or State prisons to deal with accountability and treatment of sex abusers. In many cases, and certainly under this bill, we simply lock offenders up for life. The result is a disincentive for the correctional system to provide help or programs that correct the underlying behavior, when it is clear that such programs may be what is needed for true rehabilitation to take place, so that the offender can get to the point where he or she can truly be accountable to the victim, their own families, and the community.

To that end, I have introduced an amendment mandating a thorough evaluation of alternatives to incarceration and treatment in order to rehabilitate those capable of such progress. I urge my colleagues to support it.

I believe whole-heartedly, that we must protect Americans from the horrors of sex offenders. To this end I am asking for support for my second amendment which states simply that no Federal monies can be expended for this legislation if there are more than two convicted sex offenders within a given ZIP Code.

This amendment is motivated by a recent tragedy in Houston, Texas in which a 13-year-old girl, Laura Ayala, went across the street from her southeast Houston home Sunday night and never returned.

Since that day, our police officers have been poring over lists of known sexual offenders, concentrating on Laura's neighborhood. What is most disturbing is that the Texas Department of Public Safety lists 25 registered sex offenders in the ZIP Code. This amendment recognized the need for legislation that protects our children from multiple sex offenders who collectively may have a cumulative effect that is adverse to our children and communities.

But in our efforts to protect society and rehabilitate those who perpetrate these heinous crimes, we must do so justly, and with precision so as not to create further injustice within an already overtaxed justice system.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of this legislation and in defense of our children. This legislation is overdue and I would urge my colleagues to pass it without delay.

Mr. Chairman, there's a raging debate in criminal justice circles regarding the wisdom of mandatory minimum sentences. One side of the argument holds that we should let the system work—that judges can make the best judgments on important issues of incarceration.

With all due respect to opponents of this legislation, that debate is totally inappropriate when it comes to child victims of sexual abuse.

When it comes to children—children and sexual abuse and sexual crimes—we cannot leave the issue to discretionary judgments. There are principles of law that civilized societies must adhere to and enforce. Protecting our children from sexual abuse is one of them.

It is estimated that child molesters are four times more likely than other violent criminals to recommit their crime. In a recent study, 453 sex offenders admitted to molesting more than 67,000 children in their lifetime. Another study found that 571 pedophiles had each molested an average of 300 victims.

Two is too many. But this bill will bring us closer to a world where molesters cannot continue their horrible crimes ad infinitum.

Over the past few years, this Congress has been strongly supportive of such commonsense legislation as Megan's Law—named after a victim from our State of New Jersey who was brutalized and murdered by a repeat sexual offender. Megan's Law requires citizens to be notified when a sexual offender moves into their neighborhood.

Mr. Chairman, this legislation will not mean there will never be another repeat offender. But what it should mean is that the neighborhood a repeat offender moves into is a prison—for life.

Our charge here in this House is to protect the children. This legislation prevents them from being victimized by those who we know are likely to abuse, attack and murder again.

Support this commonsense legislation. It reaffirms our commitment to our American principle that we are a civilized society raising standards for the world.

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

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

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

H.R. 2146

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 "Two Strikes and You're Out Child Protection Act".

SEC. 2. MANDATORY LIFE IMPRISONMENT FOR REPEAT SEX OFFENDERS AGAINST CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEX OFFENSES AGAINST CHILDREN.—

"(1) IN GENERAL.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

"(2) DEFINITIONS.—For the purposes of this subsection—

"(A) the term 'Federal sex offense' means—

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

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

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

"(i) the offense involved interstate or foreign commerce, or the use of the mails; or

"(ii) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country (as defined in section 1151);

"(C) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, and which was for a Federal sex offense or a State sex offense;

"(D) the term 'minor' means an individual who has not attained the age of 17 years; and

"(E) the term 'State' has the meaning given that term in subsection (c)(2)."

SEC. 3. CONFORMING AMENDMENT.

Sections 2247 and 2426 of title 18, United States Code, are each amended by inserting " , unless section 3559(e) applies" before the final period.

The CHAIRMAN pro tempore. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SCOTT

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

The Clerk read as follows:

Amendment offered by Mr. SCOTT:

Page 2, beginning in line 22, strike "2243(a) (relating to sexual abuse of a minor)".

Page 4, after line 7 insert the following:

SEC. 3. LIFE IMPRISONMENT MAXIMUM FOR CERTAIN REPEAT SEX OFFENDERS AGAINST CHILDREN.

Section 2243(a) of title 18, United States Code, is amended by striking the final period and inserting " , but if the defendant has a prior sex conviction (as defined in section 3559(e)) in which a minor was a victim, the court may sentence that defendant to imprisonment for any term or years or for life."

Redesignate succeeding sections accordingly.

Mr. SENSENBRENNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SCOTT. Mr. Chairman, this amendment would remove the mandatory life sentence for a violation of section 2243(a) as a second sex offense against a minor. Instead, this amendment would increase the maximum possible term for a second offense to a term up to life imprisonment. Under the bill, consensual sexual touching of a 14-year-old by an 18-year-old boyfriend or girlfriend with a prior offense would mandate life without parole, while murder, even second offense murder, does not.

While we can all imagine cases in which a life sentence would be appropriate for a second offense against a child, we do not have to mandate life sentences for cases which clearly do not warrant such treatment in order to get at those that do. We can simply extend the maximum possible sentence to life imprisonment and leave it to the sentencing commission and the courts to determine which ones warrant that treatment.

Not only would we have the unintended racial impact in that it would affect primarily Native Americans but it would also have a chilling effect on victims in some cases that would otherwise be prosecuted. This is especially true in families where the victim might want to see an older sibling or other relative dealt with for a repeat offense but not seen to cause the relative spending the life imprisonment which would be required under the bill.

If we believe the purpose of the bill is to send a message to repeat sex offenders, it would send the wrong message. At a hearing before the Subcommittee on Crime, a law professor and criminologist testified that a repeat offender who knows that if caught he will be sentenced to life imprisonment on a mandated basis, that person may be more disposed to kill his victim to eliminate the primary witness. This is particularly true because the punishment for second offense murder would be less than second offense petting. Under this amendment, life without parole would be available for those who are appropriately sentenced to life but not mandated for misbehaving teenagers.

Again, I would point out that the whole bill is only in cases that have Federal jurisdiction; so even with the amendment, we may have the anomaly of persons committing a crime within the State and if they are in Federal jurisdiction, they get life without parole. If they are without Federal jurisdiction, they could get probation.

I would hope that the House would adopt the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, under the amendment of the gentleman from Virginia, we are going to reduce the penalty for pedophiles if they do not murder one of their victims. That shows that this amendment really is not a good idea and in effect reverses the entire thrust of the bill.

I do not think that the concern of the gentleman from Virginia is justified because what he is saying is that we ought to take the bill's penalties away from section 2243(a) of the criminal code which provides that whoever knowingly engages in a sexual act with another person who is 12 to 15 years old and is at least 4 years older than the victim shall be fined or imprisoned for not more than 15 years, or both.

If you have the hypothetical of an 18-year-old adult knowingly engaging in a sexual act with a 13-year-old child, that person would be indicted, would be prosecuted, would be convicted and would be incarcerated for several years as a result of that crime. My guess is that he would not be out of prison until he was in his mid- to late twenties. Now, if he turns around and commits another sexual act on someone who is 12 to 15 years old in his mid-twenties, then I think the book ought to be thrown at him, because this is not an immediate post-adolescent whose hormones have run amok and commits a sexual act. This is somebody who is now preying on somebody who is probably 10 to 15 years younger as a victim. I think that that is the type of person who ought to be sentenced to life imprisonment.

I think that really what we ought to do is look at how the clock runs, where you have the first strike that does not involve life imprisonment and then you

have the second strike which would involve life imprisonment where the victim is probably at least 10 years and maybe even more than that younger than the assailant.

For that reason, I would hope that this amendment would be rejected.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. My opposition really falls on three grounds. First off, let us remember that this bill, Two Strikes and You're Out, does not change the terms of underlying criminal law. It simply changes the penalties for those who do it over and over again. This section that the gentleman from Virginia (Mr. SCOTT) seeks to change, to modify, is current law and one that Congress has always treated seriously. It is already punishable by 15 years in prison and doubled for the second offense. If the gentleman from Virginia wants to change the terms of 2243(a), he should introduce legislation to do so, but that is not this bill.

Secondly, those who would be caught up by this 2243(a) and the Two Strikes law are not merely guilty of, quote-unquote, "teen statutory rape." Listen closely, as the gentleman from Wisconsin (Mr. SENSENBRENNER) has pointed out. The victim must be 12 to 15 years old. The attacker must be at least 4 years older. For Two Strikes to apply, the attacker must have committed this crime or an even more serious sex crime against kids, against his teenage girlfriend under the gentleman from Virginia's scenario, been arrested, gone through a trial, been convicted, served his time, come out and do it again, all in the span of 2 years.

□ 1115

Well, logically, that is next to impossible.

Finally, and I think the most important point here, is to understand that there are other statutes that cover the behavior that the gentleman from Virginia (Mr. SCOTT) refers to. We spoke only this morning to a representative of the U.S. attorney's office, and he said that no U.S. attorney in the Nation would charge under 2243(a) for the conduct that the gentleman from Virginia (Mr. SCOTT) describes.

There is, in fact, another statute which is not part of Two Strikes, 2244(a) and 2244(b), abusive sexual contact. That is the statute which U.S. attorneys can use to charge, if they see fit to charge, for that type of behavior.

That is not covered by Two Strikes. Two Strikes deals with a narrow category of seven serious sex crimes against kids, and it says in the event that after someone has done their time, they have done one of these serious offenses, they get out, they do it yet again, then by all the studies we have seen, we know that they are going to do it again and again and again unless Congress steps in and breaks the cycle of violence. That is why this bill exists.

The scenario that the gentleman from Virginia (Mr. SCOTT) raises is implausible, at best, and also the points the gentleman makes are outside the course of this bill.

Let us keep our eye on the ball here. Let us focus on the problem of repeat child molesters. That is what this bill deals with. Let us defeat this amendment and go on to pass this bill.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very pleased to yield to the gentleman from Virginia (Mr. SCOTT), the member of the Committee on the Judiciary that I think has made more of a contribution and has thought about this more carefully than anyone else.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Wisconsin indicated that the prosecutor would have the discretion of lowering the charge, but by virtue of the charge, the judge would have no discretion if the prosecutor decides life without parole. So you have given, essentially, the sentencing power to the prosecutor, not to the judge.

Under the term "sexual act," which is covered under this, it includes consensual, intentional touching of a person who has not attained the age of 16, that is, a 15-year-old person, with the intent to gratify. That is petting teenagers 4 years younger.

If that is a first offense, the likelihood, quite frankly, is they will get probation. If they do it again, if they are teenagers determined to be together, you are talking about life without parole if the prosecutor charges under this section.

If it is an appropriate case, you can get life. But it just seems to me that life without parole for this situation, which could include family members, is totally inappropriate; and I would hope we would adopt the amendment which would allow life, but not mandate life, so the judge would have some discretion in sentencing people under this bill. If you have 500 people, the stories they have told, the judge will know what to do.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I support the Scott amendment because I think we are trying not to expose a countless number of teenagers to mandatory lifetime sentences for being involved in consensual relationships. I am almost inclined to ask the author of the bill if that is his intention, but I am afraid to.

Mr. Chairman, if we are not considering the cultural differences and not considering whether family members are aware of the youthful indiscretions of a couple of teenagers, then this is a one-way ticket to a life imprisonment bill; this is not Two Strikes and You're Out. I have to keep thinking that this is an unintended consequence.

We are saying to our youth that the circumstances of each case are not relevant and will not be given any consideration at all. So all the gentleman

from Virginia is doing is correcting this by permitting the judge to impose a maximum sentence of life.

The amendment would restore to the judiciary the discretion to deal with the sentence that he is giving under the circumstances, and the judge would not be stopped from imposing a life sentence; but in other cases, they may be able to tailor a decision that would take into account the appropriateness of something other than life. So I urge my colleagues on the floor to give this some thought from this point of view.

This is almost becoming an antijudge bill as well. Who needs judges? The prosecutor is given far more authority and decision-making that determines in effect the whole outcome of the case that comes before the judge. The judge is sitting here saying, I am bound by this, I am caught by this. The prosecutor decides the other thing.

So I think it is something that we need to rethink with the gentleman from Virginia (Mr. SCOTT). I am pleased and happy the gentleman has offered the amendment.

Mr. Chairman, I include the following article entitled "Judges Speak Out" for the RECORD.

JUDGES SPEAK OUT

"Statutory mandatory minimum sentences create injustice because the sentence is determined without looking at the particular defendant. . . . It can make no difference whether he is a lifetime criminal or a first-time offender. Indeed, under this sledgehammer approach, it could make no difference if the day before making this one slip in an otherwise unblemished life the defendant had rescued 15 children from a burning building or had won the Congressional Medal of Honor while defending his country."—J. Spencer Letts, U.S. District Judge, Central District of California.

"We must remember we are not widgets or robots, but human beings. Defendants should be sentenced within the spectrum of what most judges would consider fair and reasonable."—Leon Higginbotham, Judge, 3rd Circuit Court of Appeals.

"I think that a lot of people do not understand what is going on until, all of a sudden, they are caught up in the system; and they find out that people have been mouthing all kinds of slogans, and when the slogans all come down to rest, they sometimes come to rest very hard on the shoulders of the individual."—David Doty, U.S. District Judge, Minnesota.

" . . . I continue to believe that sentence of 10 years' imprisonment under the circumstances of this case is unconscionable and patently unjust. . . . [the defendant] will be sacrificed on the altar of Congress' obsession with punishing crimes involving narcotics. This obsession is, in part, understandable, for narcotics pose a serious threat to the welfare of this country and its citizens. However, at the same time, mandatory minimum sentences—almost by definition—prevent the Court from passing judgment in a manner properly tailored to a defendant's particular circumstances."—Paul A. Magnuson, U.S. District Judge, Minnesota.

"As a consequence of the mandatory sentences, we (judges) know that justice is not always done . . . [Y]ou cannot dispense equal justice by playing a numbers game. Judgment and discretion and common sense are essential."—Joyce Hens Green, U.S. District Judge, District of Columbia.

"We need to deal with the drug problem in a much more discretionary, compassionate way. We need treatment, not just punishment and imprisonment."—Stanley Sporkin, U.S. District Judge, District of Columbia.

The CHAIRMAN pro tempore (Mr. OSE). The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SCOTT

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

The Clerk read as follows:

Amendment offered by Mr. SCOTT:

Page 4, after line 11, insert the following:

SEC. 4. SPECIAL PROVISION FOR INDIAN COUNTRY.

Section 3559(c)(6) of title 18, United States Code, is amended by inserting "or subsection (e)" after "this subsection" each place it occurs.

Mr. SCOTT. Mr. Chairman, this amendment would allow tribal governments to opt out of the coverage of the bill and the administration of their systems of justice in the manner that we allowed them to opt out of the application of the Three Strikes and You're Out law that we passed several years ago to avoid the unintended racial and disproportionately negative impact.

Since the bill only applies in Federal jurisdictions, the vast majority of the cases affected would involve Native Americans. This means the bill will affect Native Americans in a disproportionately negative manner when compared to similar offenders in the same State as the Native American reservation.

Based merely on the location of the offense, whether you are on the reservation or right outside of the reservation, you could have vastly different sentences, as vastly different as probation in one case and life imprisonment for exactly the same offense and offenders. There is no evidence that this particular problem, sex crimes against children, is predominantly a Native American problem, so why are we singling them out for the draconian treatment?

Because this bill only applies in Federal jurisdiction, it will have no effect on the vast majority of cases that have been mentioned today. The only good thing about it is, it will only affect a few cases, but unfortunately, an overwhelming proportion of those cases will be cases affecting Native Americans.

I would hope that the House would adopt the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the second Scott amendment amends the bill so that no person subject to the criminal jurisdiction of an Indian tribal government would be covered by the Two Strikes and You're Out provision contained in this bill.

What the amendment does is, it creates a safe haven for child sex offenders

on Indian land. I do not think we want to do that. A convicted child molester in Wisconsin would know the only way to avoid life imprisonment if he is caught would be to prey upon children in Indian lands. I think the Congress has an obligation to protect children on Indian lands just as much as we have an obligation to protect children on other Federal lands, as well.

I urge my colleagues to oppose this amendment.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as I understand what we are doing here, we are allowing tribal governments to opt out of coverage, as we have done in other matters like this before, so it is not encouraging this kind of offense to get softer treatment than it would anywhere else in the country.

The racially discriminatory impact on Native Americans is pretty clear here, and that is what we are trying to deal with, because the legislation that is proposed applies to conduct occurring on land owned by the United States or within the territorial jurisdiction of the United States. So that is Indian reservations. Most of the cases have indicated that 75 percent of these kinds of cases arising under the bill's provision will involve Native Americans, so to give the tribal government this option is no less rational than when we did it before.

We did an opt-out provision in the Three Strikes legislation. It did not work in any kind of way to mitigate the way that law was handled. Therefore, there should be no difference in the action we take here today with respect to these groups.

Mr. Chairman, that is my take on the Scott amendment, and I hope that we can reach agreement on it.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. For the record, I am proud to have six Indian Tribes in my congressional district. I am proud to represent both Native Americans and non-Native Americans.

The amendment offered by the gentleman from Virginia (Mr. SCOTT) is bad public policy because it would send a terrible message to States like Wisconsin. Carving out a reservation from this law would somehow suggest that Native American children are less deserving of protection than non-Native American children. I do not think that is what we want to do.

Carving out reservations from this law would, as the gentleman from Wisconsin (Chairman SENSENBRENNER) has said, create the appearance of a safe harbor for child molesters. It says to them, lure your victims to the reservation, take your victims from the reservation, and the penalty will be less. That is wrong-headed. We should not be doing that.

Now, the reasoning of the gentleman from Virginia (Mr. SCOTT) that a high percentage of Federal sex crimes under

this bill would occur on Federal Indian reservations, I think that argues for the inclusion of those reservations into this bill.

It also raises a self-evident point: Under his logic, Federal homicide laws would have a greater impact on reservations and Native Americans; Federal drug laws would have a greater impact on Native Americans by his logic. I do not believe that we should be exempting from reservations Federal drug laws.

There are actually very few cases in which reservation land is exempt from Federal jurisdiction. No tribe has approached me, either this session or last session when we passed this bill twice by a voice vote, no tribe has come to me asking for a carve-out. That is because, I would guess, they do not want to create a safe harbor, either, for child molesters. The last thing they would want to do is say, Come on, we will protect you; you will be safe here on reservation land.

□ 1130

They do not want to look the other way when these terrible crimes occur, and we should not look the other way when these terrible crimes occur. We should protect all children, native American children, non-native American children. Wherever they are, we should take steps to protect them from the monsters who would prey on our children over and over again. My colleagues saw the numbers I had up here before: 209 victims per child molester, 511 offenses per child molester. Do we really want to say that that is okay if it occurs on Federal land, or we are not going to treat it as severely? I do not think so. I do not think anyone here seriously wants to do that.

The CHAIRMAN pro tempore (Mr. OSE). The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was rejected.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add at the end the following new section:
SEC. . STUDY AND REPORT TO CONGRESS.

Not later than one year after the date of the enactment of this Act, the National Institute of Justice shall make a study and report to Congress on the availability and effectiveness of treatment for incarcerated and nonincarcerated perpetrators of sex offenses against children and on the effectiveness of probation and parole supervision in reducing rates of recidivism of sex offenses against children.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The gentleman from Wisconsin reserves a point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am experiencing a personal dilemma with respect to the legislation before us as it relates to a crisis in my district. As we speak, a young 13-year-old has been abducted in Houston in a community that is, of course, outraged by her disappearance.

Recognizing this legislation is moving forward, I am offering an amendment that will, at the very least, be a step toward, I hope, long-term and, in an expanded way, reducing the number of sex offenses committed against our children. It is a parallel. It is an attempt to help balance what happens when we incarcerate persons.

My amendment would require that the National Institute of Justice study and report to Congress on the availability and effectiveness of treatment for incarcerated and nonincarcerated perpetrators of sex offenders against children, while also analyzing the effectiveness of probation and parole supervision and reducing the rates of recidivism in the sex offenders, even if they are incarcerated. We have got to find out what propels individuals to do these heinous and horrific acts.

These crimes are a great threat to our children and to our society at large. Statistics indicate that on a given day there are well over 200,000 offenders convicted of rape or sexual assault under the care, custody, or control of correction agencies, whether they are life, whether they are mandatory minimums, or however they are incarcerated. In any 1 year there are over 1 million such offenders in prison. More startling, however, is the fact that nearly 80 percent of the victims of sexual offenders are children 17 or younger. These statistics are truly startling, yet the Bureau of Justice Statistics also reported that in 1988, only 2.9 percent of all inmates in State prisons were enrolled in programs for sex offenders. That is less than 30 percent of the sex offenders who receive any type of treatment. As a result, these individuals, whether they be incarcerated or not, will do the acts again.

The National Institute of Justice reports that research has failed to identify those offenders who are likely to reoffend or to determine effective treatment while incarcerated. Although many believe that sex offenders are the hardest type of criminals to rehabilitate and are the most likely to reoffend, no evidence supports either. If they have been a first-time offended, why not have treatment and rehabilitation?

In 1994 Congress enacted the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which requires that perpetrators of violent sex offenses and crimes against minors register with

local law enforcement. In 1996, Megan's Law and the Lynchner Act were passed. These laws require community notification and interstate tracking.

In these ways, we attempted to protect children and others from violent criminals. However, we must also ensure that when these offenders, if after the first time, may be released in our communities, they are equipped with the tools that they need so that they are less likely than ever, ever, ever, ever to commit these offenses again.

To this end, I believe this is a germane and relevant amendment to sentencing. This is a parallel to sentencing. This provides for the treatment and rehabilitation of the first offense and does not offend this legislation of Two Strikes. I believe that this amendment is appropriate. I would ask my colleagues to waive the germaneness of this amendment so that we could holistically address the problem that will continue to plague our communities, and that is, those who would, even the first time, attempt a heinous act of sexual molestation of anyone in our Nation, any child.

Our community now is hurting. Some other community tomorrow will be hurting. A precious child has been violated, a child that, to my knowledge, has not yet been found. Why not provide an instructive message to those who, in fact, will be covered by this legislation? I hope that we would waive the germaneness of this amendment and move this amendment to the floor.

Mr. Chairman, recognizing that this legislation is moving forward, I am offering an amendment that will at the very least, be a step toward reducing the number of sex offenses committed against our children.

My amendment will require that the National Institute of Justice study and report to Congress on the availability and effectiveness of treatment for incarcerated and nonincarcerated perpetrators of sex offenses against children, while also analyzing the effectiveness of probation and parole supervision in reducing the rates of recidivism of these sex offenders.

These crimes are a great threat to our children, and to our society at large. Statistics indicate that on a given day, there are well over 200,000 offenders convicted of rape or sexual assault under the care, custody or control of corrections agencies. In any one year, there are over one million such offenders in prison. More startling, however, is the fact that nearly 80 percent of the victims of sexual offenders are children 17 or younger.

These statistics are truly startling. Yet, the Bureau of Justice Statistics has reported that as of 1998, only 2.9 percent of all inmates in state prisons were enrolled in programs for sex offenders—that is less than 30 percent of the sex offenders who receive any type of treatment. As a result, recidivism rates are dangerously high.

The National Institute of Justice reports that research has failed to identify those offenders who are likely to re-offend, or to determine effective treatments for sex offenders. Although many believe that sex offenders are the hardest type of criminal to rehabilitate and are the most likely to re-offend, no evidence supports either belief.

In 1994, Congress enacted the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which requires that perpetrators of violent sex offenses and crimes against minors register with local law enforcement. In 1996, Megan's Law and the Lychner Act were passed; these laws require community notification and interstate tracking.

In these ways, we attempted to protect children and others from violent criminals. However, we must also ensure that when these offenders are released into our communities, they are equipped with tools that they need so they are less likely than ever to attempt to commit another heinous act.

To this end we must evaluate the availability and effectiveness of treatments and post-release programs. Some studies have been conducted, but they do not comprehensively address the issue, nor do they provide up-to-date information. For example, in March of this year, the Office of Juvenile Justice and Delinquency Prevention issued a review of the professional literature from the past 10 years on juveniles who have sexually offended, including references to treatment, its approaches and its efficacy. The national Institute of Justice issued in January 1997 a study on managing adult sex offenders in communities through probation, parole and other forms of community supervision. These studies are valuable tools, but they must be more comprehensive, and we must keep them updated.

My amendment is an effort to protect our children by compelling a thorough evaluation of alternatives to incarceration and treatment in order to rehabilitate those capable of such progress.

I urge my colleagues to support this amendment.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Chairman, I make a point of order against the amendment. The amendment is not germane. It fails the fundamental purpose test.

The fundamental purpose of the legislation is to provide mandatory minimum sentences for those convicted of sex offenses against children. The amendment offered by the gentleman from Texas (Ms. JACKSON-LEE) exceeds the scope of this legislation by directing a component of the Department of Justice to study a subject not contemplated by the bill, namely, the effectiveness of treatment for incarcerated and nonincarcerated sex offenders.

Therefore, the amendment is not germane, and the point of order should be ruled well taken by the Chair.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule. The gentleman from Wisconsin raises a point of order that the amendment offered by the gentleman from Texas is not germane.

To be germane, an amendment not only must have the same end as the matter sought to be amended, but also must contemplate a method of achieving that end that is closely allied to the method contemplated by the bill. For example, as recorded in section 933 of the House Rules and Manual, the

Chair has held that, to a bill addressing substance abuse through prevention and treatment, an amendment imposing civil penalties on drug dealers was not germane.

The pending bill narrowly amends the Federal Criminal Code to establish a mandatory sentence of life imprisonment for twice-convicted sex offenders against children. The amendment requires the National Institute of Justice to report to Congress on the availability and effectiveness of treatment for perpetrators of sex offenses against children and on the effectiveness of probation and parole supervision in reducing rates of recidivism of such sex offenders.

The bill is narrowly drafted to address only sentencing of certain sex offenders of children. The amendment, by addressing treatment and rehabilitation, proposes an unrelated method and is, therefore, not germane to the bill.

The point of order is sustained. The amendment is not in order.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Ms. JACKSON-LEE of Texas. If the proponent of the legislation was willing to waive the germaneness, would that not have supported allowing this amendment to be heard on the floor?

The CHAIRMAN pro tempore. A point of order was made and sustained against the amendment.

Ms. JACKSON-LEE of Texas. I thank the Chair. I am so sorry that we are losing the opportunity to do a better job on this legislation.

AMENDMENT OFFERED BY MR. CONYERS

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

The Clerk read as follows:

Amendment offered by Mr. CONYERS:

Page 4, after line 7, insert the following:

SEC. 3. STUDY OF IMPACT OF LEGISLATION.

(a) In each case in which a life sentence is imposed under section 3559(e), the judge shall make and transmit to the Administrative Office of the United States Courts findings with regard to each of the following:

(1) The applicable range under the Federal Sentencing Guidelines if the statutory minimum life sentence had not applied.

(2) The sentence that the court would have imposed on the defendant if the statutory minimum life sentence had not applied, in light of the nature and circumstances of the offense, the history and characteristics of the defendant, and the other factors set forth in section 3553(a).

(3) The race, gender, age, and ethnicity of the victim and defendant.

(4) The reason for the Government's decision to prosecute this defendant in Federal court instead of deferring to prosecution in State or tribal court, and the criteria used by the Government to make that decision in this and other cases.

(5) The projected cost to the Federal Government of the life sentence, taking into account capital and operating costs associated with imprisonment.

(b) To assist the court to make the findings required in subsections (a)(4) and (a)(5), the Government attorney shall state on the

record such information as the court deems necessary to make such findings, including cost data provided by the Bureau of Prisons. In making the required findings, the court shall not be bound by the information provided by the Government attorney.

(c) The Administrative Office of the United States Courts shall annually compile and report the findings made under subsection (a) to the Congress.

Redesignate succeeding sections accordingly.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, I rise to introduce a notion that we would require the Administrative Office of the United States Courts to compile and report to the Congress its findings pertaining to the impact of this legislation, specifically relating to race, gender, age, ethnicity of victim and defendant; the reasoning behind the government's decision to prosecute the defendant in Federal court instead of deferring to a State or tribal court; and the sentence that the court would have imposed on the defendant if the statutory minimum life sentence had not applied.

The idea is to provide our colleagues with invaluable insight into the effect of this legislation as it will relate to prison overpopulation, racial considerations, and the costs that would be attached to the Federal court in the event of the enacting of this legislation.

This is dealing with the ballooning prison population because we have more people proportionately in prison than anywhere else on the planet, and we think that this would be a very important move in the right direction; and I hope that it will become a part of this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to thank the gentleman from Michigan (Mr. CONYERS) for introducing a germane amendment on how to study the impact of this legislation. I think the type of material that the study would put together would be very useful in looking at the types of crimes that have been committed against children.

However, let me say I am a little bit puzzled at the gentleman from Michigan putting this amendment in, because all day yesterday when we were dealing with the class action suit, the gentleman from Michigan and his supporters on the other side of the aisle were saying how overworked our Federal judges are and how the complicated class action legislation that we were discussing yesterday, really more of these cases should be tried in the State court because our Federal judges were overworked.

Well, now we have an amendment that has a mandate on the Federal

judges. Let me read from the amendment to show that the Federal judges are going to have to do more work. It says that "in each case in which a life sentence is imposed, the judge shall make and transmit to the Administrative Office of the United States Courts findings with regard to each of the following: the applicable range under the sentencing guidelines if the minimum mandatory life sentence had not applied." So the judge has to speculate what he would do to sentence the defendant if he were not required to sentence the defendant for life.

"The race, gender, age and ethnicity of the victim and of the defendant." Well, that is fairly obvious from the court records. But then we have to have the reason for the government's decision to prosecute this defendant in Federal court instead of State or tribal court, and then the criteria used by the government to make that decision in this or other cases, and the projected cost to the government of the life sentence, taking into account capital and operating costs associated with the imprisonment.

Now, what this is going to require is it is going to require an additional hearing after the sentence for the court to make these findings, because the government would not be able to make a determination of what this cost would be until the sentence is pronounced, as well as what the alternative would have been and the mandatory life sentence if not applied in this case.

So I would say to the gentleman from Michigan, I think these are very, very useful statistics, and I am prepared to support this amendment; but I am wondering if the gentleman's sympathy for our overworked Federal judges evaporated overnight, and I am happy to yield for an answer.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding. I am glad the gentleman pointed out the fact that I claimed that the judges were overworked. I think they are probably in the same condition today that they were yesterday, which is overworked; and I would like to use the gentleman's solution, which is that we get more judges into the judicial system. I think it is 70-something, and I think that would help. So I think the gentleman thinks they are overworked and so do I, but we think that this could be a useful purpose.

□ 1145

Mr. SENSENBRENNER. Mr. Chairman, reclaiming my time, we will be dealing with the issue of additional judicial manpower in the context of the conference on the Department of Justice authorization bill.

But even before that passes, if we could get a few more confirmations, we would get more judges on the bench and more judicial work done.

Mr. CONYERS. If the gentleman will continue to yield, Mr. Chairman, could I ask the gentleman if he would con-

sider, with me, the proposal of the gentlewoman from Texas (Ms. JACKSON-LEE) in terms of a freestanding proposal separate from this?

Mr. SENSENBRENNER. Reclaiming my time, Mr. Chairman, I would encourage the gentlewoman from Texas to introduce her proposal as separate legislation. I am not sure that the Committee on the Judiciary has exclusive jurisdiction over that type of a study, and I certainly would not wish to preclude other committees of jurisdiction from looking at it.

Mr. CONYERS. I thank the gentleman.

The CHAIRMAN pro tempore (Mr. OSE). The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

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

Mr. SENSENBRENNER. 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 Michigan (Mr. CONYERS) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add at the end the following new section:

SEC. . PROHIBITION OF FEDERAL EXPENDITURES.

This Act shall have no effect if there are more than five convicted child sex offenders within any given zip code.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin reserves a point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the intent of the legislation, the underlying legislation, is to ensure the safety of our children. I agree with that. At the same time, I think that the legislation has the opportunity to ensure the further enhanced security of our children from convicted sexual molesters of children.

I rise to support the amendment that indicates that no dollars should be rendered in this act if there are more than five sex molesters of children in one ZIP code. The act would then have no effect.

I ask my colleagues to support this amendment, because there is great evidence that in urban areas and even in rural areas there seems to be a dumping in particular locations of child sex molesters.

Here is a prime example. On Sunday, March 11, 2002, a young girl by the name of Laura Ayala walked from her family's apartment no more than 100

feet away to get some newspapers for her homework, an innocent chore, if you will. Her mother asked her whether she could get the newspaper on Monday morning, but she needed the Sunday paper. She was 13, or is 13.

After a few minutes, when she did not return, her parents, her family members, went to look for her. The clerk remembers her coming to the store and buying the newspaper. What was later discovered is a scattered newspaper and her shoes scattered in an area along the way.

But the most shocking aspect, as members of my community continue to search for her, is that as the officers were poring over lists of known sexual offenders, concentrating on the girl's neighborhood, the Texas Department of Public Safety listed 25 registered sex offenders in the ZIP code.

Laura is only 4 feet tall, weighs 90 pounds, has black, medium-length hair with brown highlights. She is a child that is loved, as there are in many homes children that are loved.

Therefore, I would argue that this is a germane amendment as it is presently constructed and constituted, and I would ask my colleagues to support this enthusiastically, that this act shall have no effect if there are more than five convicted sex offenders in any given ZIP code.

Mr. Chairman, this is a tragedy. It is a dumping ground. I believe that once put on notice, our States will act. We will not have this problem. Innocent communities will not have this problem, and wonderful, beautiful young girls like Laura will not have this problem, and other children.

Mr. Chairman, this is an outrage. Today on the floor of the House we can fix it right now. Our colleagues will support this. Who in this whole world would want their neighborhood, no matter where they live, what their economic status, what language they speak or what culture they come from, would want to know that next door they have in their neighborhoods 25 sex molesters of children living in their community?

We always ask the question, Mr. Chairman, are we relevant? Are we really focusing on what Americans' desires are as we proceed as Members of the House and the other body?

Today we can be relevant. In addition to this legislation, we can be relevant and right now confront a crisis that is not only in Houston, Texas, but I would imagine if we took a sampling around the Nation, we would find dumping of these offenders in communities wherever we might look. We can be relevant today by providing some solace to the family of this child in looking for a way to prevent, if you will, the dumping of sex offenders in particular areas.

Those who are first offenders will ultimately be out. This does not conflict with the underlying intent. We know that some sex offenders will be out among our population. Why have 25? Who knows, there may be 35 and 45 and 50 in other ZIP codes.

Mr. Chairman, is it not reasonable for my colleagues to support this amendment to be able to be relevant today as we move this legislation forward? I would ask that my colleagues support this amendment that will prohibit the dumping of sex offenders on our community and dumping of sex offenders on our innocent children.

Mr. Chairman, I rise today in support of my amendment which states simply that no federal monies can be expended for this legislation if there are more than two convicted sex offenders within a given zip code.

This amendment is motivated by a recent tragedy in Houston, Texas in which a 13-year-old girl, Laura Ayala, went across the street from her southeast Houston home Sunday night and never returned.

Since that day, our police officers have been poring over lists of known sexual offenders, concentrating on Laura's neighborhood. What is most disturbing is that the Texas Department of Public Safety lists 25 registered sex offenders in the ZIP code. Why was this allowed to happen?

Mr. Chairman, my amendment recognized the need for legislation that protects our children from multiple sex offenders who collectively may have a cumulative effect that is adverse to our children and communities.

I urge my colleagues to support it.

Mr. SENSENBRENNER. Mr. Chairman, I withdraw my point of order, since the amendment is germane, and I rise in opposition to the amendment.

Mr. Chairman, I cannot believe that the gentlewoman from Texas would draft an amendment of this nature and submit it to the committee for its consideration.

It says, "This act shall have no effect if there are more than five convicted child offenders within any given ZIP code." That means that if there are five child sex offenders who are convicted under this law and sent to the penitentiary for life, there are five people in the ZIP code where the penitentiary is located, and every future child sex offender would be able to run around the country in Federal areas and be able to continue preying on these children.

Stop and think about how this amendment is drafted. It is drafted so that anyplace where there is a penitentiary that has five or more child sex offenders, it would end up taking away the effect of this law throughout the United States of America.

This is a shameful amendment, and I hope it is overwhelmingly rejected.

Mr. SCOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) so she can respond to the comments that were just made.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I believe that in the wisdom of this body, we could find a way to work on this very striking discovery and still keep the enforcement of the act.

I support the amendment that I have, but I will look further to, if you will,

having the opportunity to write free-standing legislation. I still believe that we have the opportunity here to craft this amendment to not be detrimental to the underlying bill. That is not the intent of the amendment.

I do recognize there is free association and free movement in this country. That is why I went to the proponents of the bill to see how we could work together. This is an important enough issue for me that I believe that this body should address it and address it today.

However, if the amendment does not achieve its ultimate goal of victory, then what I will do is write a free-standing bill. I would hope to encourage those who would understand the sentiment, the purpose, the underlying legal standing of such legislation, which is not to undermine the present legislation, but to protect our communities. I would hope they would join in with me on that.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. Let me first say that I believe that the gentlewoman's intentions are honorable and good intentions, and she is pointing out a problem that I think is worth our examining at some point. I think the Committee on the Judiciary, as it has oversight hearings and such, should ask some of these questions. They are important questions.

I, unfortunately, believe that this amendment is not drafted in a way that will achieve the result the good gentlewoman intends. I do not think the answer is to say that the more sex offenders we find in a particular area, the softer the law should be, or this tougher law should not apply to other parts of the country.

In fact, the answer should be if there are more sexual offenders in a given area, to go to the State legislature in that State and get tougher laws and more enforcement, beef up our resources. Those children in those areas deserve more protection, not less protection.

So while I understand the motives and would like to work with the gentlewoman in the future to look at some of these issues, I do not believe this amendment gets to that point.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding, and I thank him very much for his statement. I think the victory that I have had today is that this amendment is germane and has not been ruled out of order, and that we have gotten a very vigorous debate on it.

It would be my druthers, in light of the tragedies that we are facing right now in Houston, and I might imagine that there will be another headline to-

morrow or the next day or next month, that we would move this amendment now, but in light of the comments that the gentleman has made, and my other colleagues, I will ask unanimous consent to withdraw this amendment so we can craft legislation that I hope would get expedited attention in the Committee on the Judiciary, and be able to join some of the other legislative initiatives that focus specifically on dealing with child sex molesters, keeping in mind the constitutional protections that need to be addressed as it relates to freedom of movement and freedom of association.

But I think this is an outrageous and heinous finding, 25 of them in one community. I ask the gentleman's assistance in helping me with this legislation.

Mr. GREEN of Wisconsin. Mr. Chairman, I would be happy to work with the gentlewoman, not being the chair of the committee or subcommittee, but I would be happy to. I think she points to an important problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

□ 1200

AMENDMENT OFFERED BY MR. CONYERS

The CHAIRMAN pro tempore (Mr. OSE). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated 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 259, noes 161, not voting 14, as follows:

[Roll No. 63]

AYES—259

Abercrombie	Boucher	Coyne
Ackerman	Boyd	Cramer
Allen	Brady (PA)	Crane
Andrews	Brown (FL)	Crowley
Baca	Brown (OH)	Cummings
Baird	Burton	Davis (CA)
Baldacci	Cannon	Davis (FL)
Baldwin	Capito	Davis, Tom
Barcia	Capps	Deal
Becerra	Capuano	DeFazio
Bentsen	Cardin	DeGette
Bereuter	Carson (IN)	Delahunt
Berkley	Carson (OK)	DeLauro
Berman	Clay	Deutsch
Berry	Clayton	Diaz-Balart
Biggert	Clement	Dicks
Bishop	Clyburn	Dingell
Blumenauer	Coble	Doggett
Bonior	Condit	Dooley
Borski	Conyers	Doyle
Boswell	Cox	Dreier

Dunn
Ehlers
Emerson
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gallegly
Ganske
Gephardt
Gillmor
Gonzalez
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hulshof
Inlee
Isakson
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind (WI)
Kirk
Klecza
Kolbe
Kucinich
LaFalce

Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northrup
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Portman
Price (NC)
Radanovich
Rahall

Rangel
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Shays
Sherman
Shows
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tancred
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—161

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Castle
Chabot
Chambliss
Collins
Combest
Cooksey

Costello
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeLay
DeMint
Doolittle
Duncan
Edwards
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goss
Graves
Grucci
Hansen
Hastings (WA)

Hayes
Hayworth
Hefley
Herger
Hostettler
Houghton
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
LaHood
LaTourrette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
McHugh
McInnis

McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Myrick
Nethercutt
Ney
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Phelps
Pitts
Pombo
Pryce (OH)
Putnam
Quinn

Ramstad
Regula
Reynolds
Riley
Rogers (KY)
Roukema
Royce
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Stearns
Stump
Sullivan

Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Vitter
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barrett
Bilirakis
Blagojevich
Davis (IL)
Ehrlich

Eshoo
Hinojosa
Kilpatrick
Mascara
Rush

Slaughter
Solis
Towns
Traficant

□ 1225

Messrs. PENCE, PHELPS and SHUSTER changed their vote from “aye” to “no.”

Messrs. MCCRERY, JOHNSON of Illinois, SHAYS, DREIER, BOYD, PORTMAN, MURTHA, GUTKNECHT, HOEKSTRA, BURTON of Indiana, GALLEGLY, HILLEARY, HULSHOF, Ms. HARMAN, Messrs. HOBSON, PETRI, MORAN of Kansas, SCHAFER, GRAHAM, Mrs. EMERSON, Messrs. GREENWOOD, WELDON of Pennsylvania, Mrs. KELLY, Messrs. CRANE, UPTON, GANSKE and SIMMONS changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. SOLIS. Mr. Chairman, during rollcall vote No. 63 on an amendment to H.R. 2146 to provide for a study of the impact of the legislation I was unavoidably detained. Had I been present, I would have voted “yea.”

Stated against:

Mr. BILIRAKIS. Mr. Chairman, I was unavoidably detained in committee and therefore unable to cast my vote on rollcall No. 63. Had I been present, I would have voted “no” on the amendment.

The CHAIRMAN pro tempore (Mr. OSE).

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 (Mrs. EMERSON) having assumed the chair, Mr. OSE, 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. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children, pursuant to House Resolution 366, 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 the 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 committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute 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.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 34, not voting 18, as follows:

[Roll No. 64]

YEAS—382

Ackerman	Chabot	Gallegly
Aderholt	Chambliss	Ganske
Akin	Clay	Gekas
Allen	Clement	Gephardt
Andrews	Coble	Gibbons
Armey	Collins	Gilchrest
Baca	Combest	Gillmor
Bachus	Condit	Gonzalez
Baird	Cooksey	Goode
Baker	Costello	Goodlatte
Baldacci	Cox	Gordon
Baldwin	Cramer	Goss
Ballenger	Crane	Graham
Barcia	Crenshaw	Granger
Barr	Crowley	Graves
Bartlett	Cubin	Green (TX)
Barton	Culberson	Green (WI)
Bass	Cummings	Greenwood
Becerra	Cunningham	Grucci
Bentsen	Davis (CA)	Gutierrez
Bereuter	Davis (FL)	Gutknecht
Berkley	Davis, Jo Ann	Hall (OH)
Berry	Davis, Tom	Hall (TX)
Biggert	Deal	Hansen
Bilirakis	DeFazio	Harman
Bishop	Delahunt	Hart
Blumenauer	DeLauro	Hastings (WA)
Blunt	DeLay	Hayes
Boehlert	DeMint	Hayworth
Boehner	Deutsch	Hefley
Bonilla	Diaz-Balart	Herger
Bonior	Dicks	Hill
Bono	Dingell	Hilleary
Boozman	Doggett	Hobson
Borski	Dooley	Hoeffel
Boswell	Doolittle	Hoekstra
Boucher	Doyle	Holden
Boyd	Dreier	Holt
Brady (PA)	Duncan	Hooley
Brady (TX)	Dunn	Horn
Brown (FL)	Edwards	Hostettler
Brown (OH)	Ehlers	Houghton
Brown (SC)	Ehrlich	Hoyer
Bryant	Emerson	Hulshof
Burr	Engel	Hunter
Burton	English	Hyde
Buyer	Etheridge	Inslee
Callahan	Evans	Isakson
Calvert	Everett	Israel
Camp	Fattah	Issa
Cannon	Ferguson	Jackson (IL)
Cantor	Flake	Jackson-Lee
Capito	Fletcher	(TX)
Capps	Foley	Jefferson
Capuano	Forbes	Jenkins
Cardin	Fossella	John
Carson (IN)	Frank	Johnson (CT)
Carson (OK)	Frelinghuysen	Johnson (IL)
Castle	Frost	Johnson, E. B.

Johnson, Sam	Myrick	Shaw
Jones (NC)	Napolitano	Shays
Kanjorski	Neal	Sherman
Kaptur	Nethercutt	Sherwood
Keller	Ney	Shimkus
Kelly	Northup	Shows
Kennedy (MN)	Norwood	Shuster
Kennedy (RI)	Nussle	Simmons
Kerns	Obey	Simpson
Kildee	Ortiz	Skeen
Kind (WI)	Osborne	Skelton
King (NY)	Ose	Smith (MI)
Kingston	Otter	Smith (NJ)
Kirk	Owens	Smith (TX)
Klecza	Oxley	Smith (WA)
Knollenberg	Pallone	Snyder
Kolbe	Pascarella	Souder
Kucinich	Pastor	Spratt
LaFalce	Paul	Stearns
LaHood	Pelosi	Stenholm
Lampson	Pence	Strickland
Langevin	Peterson (MN)	Stump
Lantos	Peterson (PA)	Stupak
Larsen (WA)	Petri	Sullivan
Larson (CT)	Phelps	Sununu
Latham	Pickering	Sweeney
LaTourette	Pitts	Tancredo
Leach	Platts	Tanner
Levin	Pombo	Tauscher
Lewis (CA)	Pomeroy	Tauzin
Lewis (KY)	Portman	Taylor (MS)
Linder	Price (NC)	Taylor (NC)
Lipinski	Pryce (OH)	Terry
LoBiondo	Putnam	Thomas
Lofgren	Quinn	Thompson (CA)
Lowey	Radanovich	Thompson (MS)
Lucas (KY)	Rahall	Thornberry
Lucas (OK)	Ramstad	Thune
Luther	Regula	Thurman
Lynch	Rehberg	Tiahrt
Maloney (CT)	Reyes	Tiberi
Maloney (NY)	Reynolds	Tierney
Manzullo	Riley	Toomey
Markey	Rivers	Turner
Matheson	Rodriguez	Upton
Matsui	Roemer	Velazquez
McCarthy (MO)	Rogers (KY)	Vitter
McCarthy (NY)	Rogers (MI)	Walden
McCollum	Rohrabacher	Walsh
McCrery	Ros-Lehtinen	Wamp
McGovern	Ross	Watkins (OK)
McHugh	Rothman	Watson (CA)
McInnis	Roybal-Allard	Watts (OK)
McIntyre	Royce	Waxman
McKeon	Ryan (WI)	Weiner
McNulty	Ryun (KS)	Weldon (FL)
Meehan	Sanchez	Weldon (PA)
Meeks (NY)	Sanders	Weller
Menendez	Sandlin	Wexler
Mica	Sawyer	Whitfield
Millender-	Saxton	Wicker
McDonald	Schaffer	Wilson (NM)
Miller, Dan	Schakowsky	Wilson (SC)
Miller, Gary	Schiff	Wolf
Miller, Jeff	Schrock	Woolsey
Moore	Sensenbrenner	Wu
Moran (KS)	Serrano	Wynn
Morella	Sessions	Young (AK)
Murtha	Shadegg	Young (FL)

NAYS—34

Abercrombie	Honda	Oberstar
Berman	Jones (OH)	Oliver
Clayton	Lee	Payne
Clyburn	Lewis (GA)	Rangel
Conyers	McDermott	Sabo
Coyne	McKinney	Scott
DeGette	Meek (FL)	Stark
Farr	Miller, George	Udall (NM)
Filner	Mink	Waters
Hastings (FL)	Mollohan	Watt (NC)
Hilliard	Moran (VA)	
Hinchey	Nadler	

NOT VOTING—18

Barrett	Hinojosa	Slaughter
Blagojevich	Istook	Solis
Davis (IL)	Kilpatrick	Towns
Eshoo	Mascara	Trafficant
Ford	Roukema	Udall (CO)
Gilman	Rush	Visclosky

□ 1244

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ISTOOK. Mr. Speaker, on rollcall No. 64, I was detained due to chairing a hearing regarding the White House and its budget. Had I been present, I would have voted "yea."

Mr. UDALL of Colorado. Madam Speaker, on rollcall 64, H.R. 2146, the Two Strikes and You're Out Child Protection Act, I was delayed on official business on the other side of the Capitol. Had I been present, I would have voted "yea."

Mr. FORD. Madam Speaker, on H.R. 2146, rollcall 64, I was on the floor but apparently missed the vote, the Two Strikes and You're Out Child Protection Act.

I would have voted in favor of the legislation, had I not been in the cloakroom and slightly confused about the second vote being called.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 64 on final passage of H.R. 2146 I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, had I been present, I would have voted "aye" on the Conyers amendment (rollcall No. 63) to H.R. 2146, the "Two Strikes and You're Out" Child Protection Act and "nay" on final passage of H.R. 2146, the "Two Strikes and You're Out" Child Protection Act (rollcall No. 64).

GENERAL LEAVE

Mr. GREEN of Wisconsin. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just passed.

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

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR BUDGET RESOLUTION

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Madam Speaker, the Committee on Rules is planning to meet the week of March 18 to grant a rule which will limit the amendment process for floor consideration of the concurrent resolution on the budget for fiscal year 2003. The Committee on the Budget ordered the budget resolution reported on March 13 and is expected to file its committee report late tomorrow.

Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by 2 p.m. on Tuesday, March 19. The text of the concurrent resolution will be available at

the Committee on the Budget and on that committee's Web site.

As in past years, the Committee on Rules intends to give priority to amendments offered as complete substitutes.

Members should also use the Office of Legislative Counsel and the Congressional Budget Office to ensure that their substitute amendments are properly drafted and scored and should check with the Office of the Parliamentarian to be certain that their substitute amendments comply with the rules of the House.

□ 1245

LEGISLATIVE PROGRAM

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

Ms. PELOSI. Madam Speaker, I take this time for the purpose of inquiring about the schedule for next week.

I yield to the distinguished majority leader.

Mr. ARMEY. Madam Speaker, I thank the gentlewoman from California for yielding.

Madam Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, March 19, at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

Madam Speaker, I should note that in particular a bill under consideration under suspension next Tuesday is H.R. 2804, the James R. Browning Courthouse Designation Act, and, of course, others as well.

On Tuesday, recorded votes will be postponed until 6:30 p.m.

For Wednesday and Thursday, I have scheduled the Budget Resolution for Fiscal Year 2003, marked up in the Committee on the Budget yesterday. I have also scheduled the Digital Tech Corps Act of 2001, being marked up in the Committee on Government Reform today.

Ms. PELOSI. Madam Speaker, reclaiming my time, could the gentleman be more specific about what day the budget resolution will be considered?

Mr. ARMEY. Madam Speaker, if the gentlewoman will continue to yield, we should expect to consider the budget on Wednesday, and as it turns out now, we should expect to complete the budget, Madam Speaker, by sometime fairly early Wednesday evening.

Ms. PELOSI. Madam Speaker, does the leader expect any legislation dealing with pensions to be brought up on the floor next week?

Mr. ARMEY. Again, I thank the gentlewoman for the inquiry, and if she will continue to yield, we do not anticipate any legislation being available for scheduling next week.

Ms. PELOSI. Madam Speaker, just to clarify what the leader said about the budget resolution, if the work on the budget resolution is concluded early evening Wednesday, will there be any legislative votes on Thursday next week?

Mr. ARMEY. Again, let me thank the gentlewoman for the inquiry.

If the gentlewoman would continue to yield, it would be our anticipation, Madam Speaker, that should we complete our work on the budget Wednesday night, that we would probably complete our work for the week at that point.

Ms. PELOSI. I thank the gentleman for the information, for giving us a specific list of suspensions, in one case in any event.

ADJOURNMENT TO MONDAY, MARCH 18, 2002

Mr. ARMEY. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 19, 2002

Mr. ARMEY. Madam Speaker, I ask unanimous consent that when the House adjourns on Monday, March 18, 2002, it adjourn to meet at 12:30 p.m. on Tuesday, March 19, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Madam 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.

HONORING IRISH AMERICANS AND ESSAY CONTEST WINNER MICHAEL ANTHONY PECORA BEFORE ST. PATRICK'S DAY

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

Mr. FERGUSON. Mr. Speaker, I rise today to honor all Irish Americans and to wish everyone an early happy St. Patrick's Day, which we will celebrate this weekend.

I also would like to pay tribute to Mr. Michael Anthony Pecora, the first

prize winner in the 2002 Morris County, New Jersey, St. Patrick's Day Essay Contest.

Michael is currently a ninth grade student at Delbarton School in Morristown, New Jersey, a school of which I am a proud alumnus. Entrants in this contest were asked to discuss the contributions that Irish Americans have made to the betterment of our country.

Michael wrote of the ways that Irish Americans have helped to shape our political system, our education system, and our national literature and theater and sports. He spoke of the unique prominence of women in Irish communities, and the accomplishments that many women of Irish heritage have achieved in our country.

Michael eloquently described the persistence of Irish Americans in the face of ethnic and religious prejudice, and to overcome these obstacles and to make lasting and important contributions to American society.

I commend Michael Pecora for his award-winning essay about Irish Americans, and congratulate him on his accomplishment.

Mr. Speaker, I include for the RECORD the essay by Mr. Pecora.

The document referred to is as follows:

THE CONTRIBUTIONS OF IRISH-AMERICANS TO THE DEVELOPMENT OF THE UNITED STATES (By Mike Pecora)

The many contributions of Irish-Americans to the development of the United States have enriched the true meaning of what an American citizen represents today. Although these accomplishments are numerous and varied, there are spheres of endeavor in which Americans of Irish birth or ancestry have distinguished themselves throughout our country's history. Public service, politics, and governance comprise one domain of American life in which the Irish, by their overwhelming numbers, clearly left their impact on our national life. As exemplified by the Kennedys of Massachusetts, Irish-Americans have generally come from strong, stable, and large families. But even more remarkably, we find a pattern of increasing upward mobility from one generation to the next. The key variable in this upward march has been education, particularly the education of women. During the twentieth century, the Irish have been at the forefront of the nation's public and parochial educational systems. Indeed, coming into a society dominated by Anglo-Saxon Protestants, the Irish took the lead in the creation of a distinctly American Catholicism. The collective cultural achievements of Irish-Americans, from literature and theater to sports and popular entertainment are legend. Given that some forty million Americans claimed some Irish ancestry in the 1990 census, the collective record of Irish-American achievements does not seem surprising (Meager 1999, p. 280). But to get to where they are today, Irish-American have had to surmount major obstacles, including entrenched ethnic and religious prejudice. By doing so, not only did the Irish successfully assimilate into American society; they had a major part in the making of the "melting pot" itself.

Long before the Great Potato Famine of the late 1840s, substantial numbers of Irish immigrants came to the shores of North America (Griffin 1973, p. v). By the time of the American Revolution, there were an estimated 250,000 individuals of Irish descent liv-

ing in North America, many of them laboring in the construction of the country's rapidly growing transportation infrastructure (Meager 1999, p. 280). In 1857, Irish nationalists living in the United States formed the Irish Republican Brotherhood, the forerunner of the "Fenian" movement abroad, recruiting former state militia members into their ranks. When the Civil War erupted, the nucleus of Irish regiments already been organized. During the Civil War, "Ireland provided the largest proportion of foreign born troops in the South and probably ranked equal with Germany as the source of the largest immigrant element in the Union armies" (Blessing 1980, p. 536). The vast majority of Irish-Americans in this conflict served the North, wearing sprigs of green in their caps as they marched into battle (Blessing 1980, p. 536). In the First World War and the Second, units such as the famous "fighting sixty-ninth" extended this legacy of Irish-Americans answering the call to military duty.

In the 1920s, D.W. Brogan noted that the Irish had come to constitute the "governing class" of America (cited in Meager 1999, p. 286). At this time, white Anglo-Saxon Protestants of English and Germanic ethnicity made up the "ruling class" of the United States, but it was the Irish who led the way in public service (notably, in the police and fire departments of the country's developing cities) and in the nation's political life. The 1880s and 1890s witnessed a wave of Irish majors; by 1910, Irish governors, like David Walsh of Massachusetts, Edward Dunne of Illinois, and Alfred E. Smith of New York were elected to the highest posts within their own states. Al Smith's selection as the Democratic Party's nominee for the presidency in 1928 was a milestone for both the Irish and for all Catholic Americans. Smith was defeated in this bid, but some three decades later, John F. Kennedy completed the breakthrough (Vinyard 1997, p. 468). In the 1968 presidential contest, his brother, Robert Kennedy challenged Eugene McCarthy to become the Democratic standard-bearer; only for Kennedy to be assassinated, and McCarthy to be defeated in the primaries. Nevertheless, in that same year, Irish Catholics held both positions of Speaker of the House of Representatives (John McCormack) and majority leader of the Senate (Michael Mansfield).

Given their Catholic faith, it is not surprising that Irish-Americans have generally come from large and stable families; the frequency of divorce among the Irish has been significantly lower than that of other ethnic groups (Blessing 1980, p. 541). But the success of Irish families is even more evident when we consider patterns of generational upward mobility. During the nineteenth century, Irish-born immigrants did not fare well in the industrial capitalist economy of the United States. Indeed, the "famine" Irish of the 1850 and 1860s had a "dismal record of movement up the occupational scale" (Blessing 1980, p. 531). Nevertheless, second- and third-generation Irish-Americans far exceeded the accomplishments of their parents and grandparents. By 1980, with each successive generation of Irish-Americans, we see upward leaps in years of completed schooling, occupational status, and household income (Blessing 1980, p. 542).

One especially important aspect of Irish-American support for education revolves around gender. "Irish families often gave their daughters more education than their sons; accordingly, second-generation Irish women were able to take advantage of opportunities becoming available to females" (Vinyard 1997, p. 466). Irish-American women were heavily over-represented within the ranks of public school teachers during the

Progressive Era and thereafter (Vinyard 1997, p. 466). Moreover, Irish nuns and priests have been important leaders in America's parochial school system.

In the mid-nineteenth century, the Irish established themselves as the dominant ethnic group within the American Catholic Church, and have held that status ever since (Vinyard 1997, p. 462). In 1970, for example, over 50 percent of the bishops and 34 percent of the priests of the American Catholic Church reported an Irish background (Blessing 1980, p. 542). Such outstanding individuals as Cardinal William O'Connell of Boston, Cardinal Francis Spellman of New York City, and Spellman's successor, Cardinal John O'Connor, honorably led the Catholic Church through the transition of Vatican II. The Irish, therefore, left an unforgettable imprint upon American Catholicism, creating a model for both national and religious allegiance.

"Immigrants, but more often second- and third-generation Irish, helped to create a new American urban culture that emerged in the late nineteenth and early twentieth centuries" (Meager 1999, p. 288). Irish Americans were highly visible in the theater during this period. Playwrights like Eugene O'Neill, and novelists like James T. Farrell, Edwin O'Connor, and, in the 1920s, F. Scott Fitzgerald, made world-class achievements in American literature. At the same time, the Irish excelled in sports: John L. Sullivan in boxing and such individuals as Connie Mack, John McGraw, and Charles Comiskey help to transform baseball into America's pastime.

It is only been in the second half of the twentieth century that the scope, and depth of Irish contributions to America has been given its full recognition. In January 1897, when the founders of the Irish American Historical Society issued that organization's founding statement, they lamented that their countrymen had received "but scant recognition" from U.S. historians and attributed this neglect to "carelessness, ignorance, indifference or design" (American Irish History Society, in Griffin, 1973, p. 121). Despite their English-language advantage, the Irish were subjected to both ethnic and religious prejudice. This anti-Irish bias unfolded in waves, increasing during the immigration period of the 1840s, the Progressive Era at the turn of the century, and into the 1920s with the revival of the anti-Catholic Ku Klux Klan. As historian Patrick Blessing has put it: "The Irish were the first major immigrant group to threaten the stability of American society. Out of their interaction with the host society, came a more diverse and tolerant America" (Blessing 1980, p. 545). Despite decades of bigotry and repression, the Irish assimilated into the American "melting pot". Indeed, not only did they serve as a model for other immigrant groups, in the process of becoming full-fledged Americans, they altered, enlarged, and enriched the very definition of an "American."

REFERENCES

American Irish Historical Society. "Announcement of the Organization of the American Irish Historical Society, January, 1897." *The Irish in America*. Ed. William Griffin, Dobbs Ferry, NY: Oceana Publications, 1973, 121-122.

Blessing, Patrick J. "Irish." *Harvard Encyclopedia of American Ethnic Groups*. Vol. 1. Ed. Stephen Thernstrom, Cambridge, MA: Harvard University Press, 1980, 524-545.

Griffin, William. "Editor's Foreword." *The Irish in America*. Ed. William Griffin, Dobbs Ferry, NY: Oceana Publications, 1973, v-vi.

Meager, Timothy J. "Irish." *A Nation of Peoples: A Sourcebook of America's Multicultural Heritage*. Ed. Elliott Robert Barkan, Westport, CT: Greenwood Press, 1999, 279-293.

Vinyard, JoEllen McNergney. "Irish." *American Immigrant Cultures: Builders of a Nation*. Vol. 1. Eds. David Levinson and Melvin Ember, New York: MacMillan, 1997, 460-469.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, 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 gentlewoman from Virginia (Mrs. JO ANN DAVIS) is recognized for 5 minutes.

(Mrs. JO ANN DAVIS of Virginia 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 Maryland (Mr. HOYER) is recognized for 5 minutes.

(Mr. HOYER 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 North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina 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 California (Mr. HUNTER) is recognized for 5 minutes.

(Mr. HUNTER 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 gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RESTRUCTURING THE IMMIGRATION AND NATURALIZATION SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Madam Speaker, I say to the Speaker and to the Members that the ghost of Mohamad Atta has attacked our Nation. Following the real Mohamad Atta and his crash into the World Trade Center, his ghost, like ashes left at Ground Zero, has arisen and entered the public consciousness again.

This time, as everyone knows by now, we learned from the aviation school in Florida that the visa for

Mohamad Atta has been approved, 6 months to the day after the real Mohamad Atta crashed into our Twin Towers.

This, of course, is unacceptable, and the President of the United States has said so, and the President immediately took action to start the investigation into the matters that led to this unseemly development in the school in Florida.

But it brings to mind that the President of the United States, as candidate George W. Bush in the Year 2000, noted that his observation of the Immigration and Naturalization Service was such that it could not go on in the structure that was extant at that time, that we must separate the law enforcement segment of INS from that of the process of visas and naturalization and citizenship.

This is a theme which members of the Committee on the Judiciary took to heart, and we have introduced legislation and worked on legislation for bifurcation of the INS so that we can home in on student visas, like the kind that Mohamad Atta abused, so we can home in on those who overstay their visas, like the Mohamad Attas of the world, so that we can keep track of the attendance of students in our country and note the end of their scholarship at a particular institution and then take steps, when necessary, to make sure they leave the country at the expiration of the visas.

All those are problems that are anticipated to be solved when we proceed with the bifurcation, the new structure, of the Immigration and Naturalization Service.

One giant step that we have already taken to get to the bottom of this is that I have instructed our Subcommittee on Immigration and Naturalization to formulate a hearing on this very same subject, and next week, or as soon as possible, we are going to look into how this incident occurred. We are going to determine from the INS internal workings how this large hole in the process appeared, and we are going to take steps to cover that hole forever, probably with a new structure that we anticipate under the legislation that we have in front of us.

The important thing to recognize here is that we know, and we knew before September 11, and so did Candidate Bush know in the Year 2000, that we must do something about the INS. It had grown, in agonizing detail, uncomfortable in so many respects, not only to the people who are subject to its process, who had to wait such long periods of time for validation of their particular applications, but also on the question of border control and the large question of illegal aliens and how many of them should be deported on the spot. All these are problems that we anticipate will be alleviated, if not removed entirely, by the new structure that we envision.

Now, to his credit, the President, together with the Attorney General, has

made some movements internally to do exactly that, but it is not enough to guarantee that this restructuring will take place. It will take a statute, and I encourage all Members, Democrat and Republican, to join in cosponsoring our legislation to bring about this great idea of restructuring the INS.

What we are pronouncing here today, Madam Speaker, is the death of the Immigration and Naturalization Service as we know it. For whom the bell tolls? It tolls for the INS.

The new structure will meet these problems head on and accord the American public a new sense of security at the borders and deal with the problem of the internal machinations of the student visas and other visas. We aim to tighten up the process so that we can guarantee the security of the American people.

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.)

THE FAIR FEDERAL COMPENSATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Madam Speaker, on Monday I introduced the Fair Federal Compensation Act. The mayor of the city and the City Council chair stood with me as I put this act forward.

Madam Speaker, the act is aimed at dealing with an impending crisis that I think the Congress would want to take hold of before it happens, particularly since the District has just come out of a financial crisis, the worst in 100 years, and this one is not of the District's own making. This is a crisis the District cannot tax its way out of, cannot grow its way out of, because of restrictions placed on the city by the Federal Government.

I speak of a structural financial imbalance that comes from the requirement of the Federal Government that the taxpayers of the District of Columbia pay for services rendered to the Federal Government and to Federal employees without any reimbursement for those services. Because almost 1 million people come in every day, and only 600,000 people live here, it has become impossible to do that, and over time, a new crisis will break out unless we get hold of it now.

I think I have a win-win way to deal with that crisis through an infrastructure fund that would benefit the entire region, not only the residents of the District of Columbia. It would reduce this dangerous financial burden imposed on the city without imposing taxes on the American people or on

commuters. It would simply involve a transfer of 2 percent of the taxes that commuters, almost all of them Federal employees, already pay to the Federal Government.

As a way to calculate the cost of the services, there has to be a limit on how much money the Federal Government is going to transfer, we say this money is for the cost of the services provided Federal employees, so you take 2 percent of the taxes they already pay.

There is no cost to the commuters. I have never introduced a commuter tax. There is no cost to the American people, because there is no increase in taxes.

The amount is infinitesimal. It is \$400 million a year, about that amount, going up only gradually as commuters' salaries go up. That does not even register in the Federal budget because it is so small.

□ 1300

And it is about a third of the money that we think the taxpayers of the District of Columbia put out in order to deal with Federal employees, Federal services, and the Federal presence.

No city in the United States has to carry this built-in, mandatory financial imbalance. If we were in another city, there is some State aid that helps the city to handle it; or sometimes there is a commuter tax or a wage tax of some kind to help the city. The District does not have any of that and cannot have any of that. Sometimes people build high because if you keep building up, you can make up for the taxes that are lost. The District cannot do that. There is a height limit on how high we can build. The Federal Government takes 42 percent of the land for its own purposes. So we are trying to find a way to deal with this crisis before it gets out of control and without imposing any additional burdens.

This method, this simple transfer, based on the taxes commuters already pay, gives us a reasonably accurate calculation of the services used by Federal employees. It is a predictable amount, which allows the District to do the necessary budget forecasting. It costs commuters nothing, it costs the American people nothing extra, and it is tied to commuters' salaries, so it goes up very modestly, and you do not have to come to the Congress every year to get it appropriated, because it takes place simply as a part of a simple transaction, tax transaction.

We think that when we have done what the District has done, which is to pull itself out of the worst financial crisis in 100 years; when we are in the middle of a recession and yet the District still has a surplus because it has been so prudent; in other words, we have our operating budget under control, we think it is fair to come to the Federal Government and say we have another kind of deficit; it is a structural deficit. It has nothing to do with our operating deficit. Trust us, we are never going to let the operating prob-

lems get out of control. It has nothing to do with the operating budget. But we do have this problem which is entirely of your making, you the Federal Government, because the Federal Government has not thought about this problem and certainly the Congress has not.

We introduced this bill, the Mayor and the city council Chair stood with me, indicating the importance of the bill to the city. I appreciate that regional members have seemed open. They have not embraced the bill yet, but they say that it certainly does not hurt their own constituents in the region and it will not hurt the American people. I ask for my colleagues' study of this bill and ultimate approval.

A SPECIAL TRIBUTE TO THE GIRL SCOUTS OF THE USA ON THEIR 90TH ANNIVERSARY

The SPEAKER pro tempore (Mrs. EMERSON). Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Madam Speaker, I rise to pay special tribute to the Girl Scouts on their 90th anniversary this week. I pay special respect to constituents of my State, my State of Washington, who visited me this week in my office, Avis DeRuyter, Lindy Cator, Kathleen Houston, Grace Chien, and Golden Award winner Katie Grimes, for their work in bolstering the young women of the Fifth Congressional District in eastern Washington through the Girl Scouts organization.

We had a very good discussion. They told me how much they are doing to reach girls from all walks of life to be part of the Girl Scout organization, and they have had great success.

The Girl Scouts have a marvelous history. Ninety years ago, Juliette Gordon Low founded the first Girl Scout troop. She pictured an organization that would bring girls out of their sheltered home environments to serve in their communities and experience the open air. Within months, girl members were hiking through the woods in their knee-length blue uniforms, playing basketball in a curtained-off court, and going on camping trips. Fifty-two years ago this week, Girl Scouts of the USA was chartered by the United States Congress. The Girl Scouts have come a long way in 90 years.

They started with just 18 members and a marvelous dream. Today, more than 50 million American women enjoyed Girl Scouting during their childhood. Girl Scouts of the USA is the world's preeminent organization dedicated solely to girls where, in an accepting and nurturing environment, girls build character and skills for success in the real world.

In partnership with committed adult volunteers, the Girl Scouts cultivate their full individual potential. The qualities they develop in Girl Scouting, leadership, values, social conscience,

and conviction about their own self-worth serve them all of their lives. Today, there are nearly 3.7 million Girl Scouts, 2.8 million members, girl members, and 942,000 adult members, almost all volunteers.

Therefore, it is important that we honor the Girl Scouts for their 90 years of work in developing qualities in young women today so that they may serve as future leaders tomorrow.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

(Mr. ENGEL 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 New York (Mr. MEEKS) is recognized for 5 minutes.

(Mr. MEEKS of New York 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 Florida (Mrs. THURMAN) is recognized for 5 minutes.

(Mrs. THURMAN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of a family illness.

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of family business.

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. UDALL of Colorado) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Mrs. THURMAN, for 5 minutes, today.

(The following Members (at the request of Mr. NETHERCUTT) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

ADJOURNMENT

Mr. NETHERCUTT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 5 minutes p.m.) under its previous order, the House adjourned until Monday, March 18, 2002, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5889. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Decreased Assessment Rate [Docket No. FV02-932-1 IFR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5890. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—West Indian Fruit Fly [Docket No. 00-110-4] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5891. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, OR; Decreased Assessment Rate [Docket No. FV01-924-1 FIR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5892. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Elimination of Requirements for Partial Quality Control Programs; Certification of Scales [Docket No. 97-001TF] (RIN: 0583-AC35) received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5893. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Addition to Quarantined Areas [Docket No. 01-092-2] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5894. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Decreased Assessment Rate [Docket No. FV01-966-2 IFR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5895. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Decreased Assessment Rate [Docket No. FV01-905-3 IFR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5896. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Quarantined Areas [Docket No. 01-079-2] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5897. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agri-

culture, transmitting the Department's final rule—Asian Longhorned Beetle; Addition to Quarantined Areas [Docket No. 01-092-2] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5898. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Greece Because of BSE [Docket No. 01-065-2] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5899. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—National Poultry Improvement Plan and Auxiliary Provisions [Docket No. 00-075-2] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5900. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Steam Treatment of Golden Nematode-Infested Farm Equipment, Construction Equipment, and Containers [Docket No. 01-050-1] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5901. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Black Stem Rust; Identification Requirements and Addition of Rust Resistant Varieties [Docket No. 97-053-3] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5902. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Japan Because of BSE [Docket No. 01-094-2] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5903. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—2, 4-D; Time-Limited Pesticide Tolerance [OPP-301219; FRL-6827-1] (RIN: 2070-AB78) received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5904. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Compliance Alternatives for Provision of Uncompensated Services (RIN: 0906-AA52) received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5905. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Indiana [IN139-1a; FRL-7155-3] received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5906. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; Control of Gasoline Volatility [ME065-7014a; A-1-FRL-7152-1] received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5907. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of the Clean Air Act Section 111 and 112 Delegation of Authority Updates to the Washington State Department of Ecology, Benton Clean Air Authority, Northwest Air Pollution Authority, Puget Sound Clean Air Agency, and Spokane County Air Pollution Control Authority [FRL-7153-2] received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5908. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Administrative Changes and Technical Amendments [FRL-7155-7] received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5909. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture; Extensions of Filing Dates for Certain Confidential Financial Disclosure Report Filers (RIN: 3209-AA00) received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5910. A letter from the Regulations Coordinator, Department of Health and Human Resources, transmitting the Department's final rule—Ricky Ray Hemophilia Relief Fund Program (RIN: 0906-AA56) received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5911. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Youngstown, Oh [Airspace Docket No. 00-AGL-24] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5912. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Cleveland, OH; modification of class E Airspace; Medina, OH; and revocation of Class E Airspace; Elyria, OH [Airspace Docket No. 00-AGL-23] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5913. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Medicare and Medicaid Programs; Emergency Recertification for Coverage for Organ Procurement Organizations (OPOs) [CMS-3064-IFC] (RIN: 0938-AK81) received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

The Committees on Transportation and Infrastructure and Education and the Workforce discharged from further consideration. H.R. 3208 referred to the Committee of the Whole House on the State of the Union and 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. SMITH of Michigan:

H.R. 3965. A bill to authorize the establishment of a Center for Plant Disease Control in the Department of Agriculture; to the Committee on Agriculture.

By Ms. RIVERS (for herself and Mr. WELDON of Florida):

H.R. 3966. A bill to direct the Director of the Office of Science and Technology Policy to conduct a study of the impact of Federal policies on the innovation process for genomic technologies, and for other purposes; to the Committee on Science, and in addition to the Committee on 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 Ms. RIVERS (for herself and Mr. WELDON of Florida):

H.R. 3967. A bill to amend title 35, United States Code, to provide for noninfringing uses of patents on genetic sequence information for purposes of research and genetic diagnostic testing, and to require public disclosure of such information in certain patent applications; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 3968. A bill to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty; to the Committee on House Administration.

By Mr. HYDE:

H.R. 3969. A bill to enhance United States public diplomacy, to reorganize United States international broadcasting, and for other purposes; to the Committee on International Relations.

By Mr. DINGELL (for himself, Mr. TOWNS, Mr. MARKEY, Ms. DEGETTE, Mr. BARRETT, and Mr. ENGEL):

H.R. 3970. A bill to improve the setting of accounting standards by the Financial Accounting Standards Board, to provide sound and uniform accounting and financial reporting for public utilities, to clarify the responsibility of issuers for the transparency and honesty of their financial statements and reports, and to enhance the governance of the accounting profession; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, 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. HASTINGS of Washington (for himself, Mr. SMITH of Washington, Mr. NETHERCUTT, Ms. DUNN, Mr. INSLEE, Mr. DICKS, and Mr. LARSEN of Washington):

H.R. 3971. A bill to provide for an independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or turnover; to the Committee on Agriculture.

By Mr. JONES of North Carolina:

H.R. 3972. A bill to amend title 10, United States Code, to index for inflation the amount of the death gratuity paid upon the death of a member of the Armed Forces on active duty; to the Committee on Armed Services.

By Mr. JONES of North Carolina (for himself and Mr. GUTKNECHT):

H.R. 3973. A bill to amend the Internal Revenue Code of 1986 to restore the tax exempt status of death gratuity payments to members of the uniformed services; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself and Mr. WATTS of Oklahoma):

H.R. 3974. A bill to increase the expertise and capacity of community-based organizations involved in economic development ac-

tivities and key community development programs; to the Committee on Financial Services.

By Mr. LEACH (for himself and Ms. LEE):

H.R. 3975. A bill to provide for acceptance of the Fourth Amendment to the Articles of Agreement of the International Monetary Fund, to provide for the Special Drawing Rights allocated to the United States pursuant to the amendment to be contributed to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and to require the Secretary of the Treasury to seek negotiations for the purpose of inducing the other member countries of the International Monetary Fund to make similar contributions to that Global Fund, and for other purposes; to the Committee on Financial Services.

By Mr. McDERMOTT (for himself and Mr. STARK):

H.R. 3976. A bill to amend title XVIII of the Social Security Act to provide for a direct Medicare supplemental insurance option; to the Committee on Energy and Commerce, 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. MENENDEZ:

H.R. 3977. A bill to authorize the Secretary of the Interior to provide a grant to the State of New Jersey for the construction of a memorial to the New Jersey victims of the terrorist attacks of September 11, 2001; to the Committee on Resources.

By Mr. MENENDEZ:

H.R. 3978. A bill to provide compensation and income tax relief for the individuals who were victims of the terrorist-related bombing of the World Trade Center in 1993 on the same basis as compensation and income tax relief is provided to victims of the terrorist-related aircraft crashes on September 11, 2001; to the Committee on the Judiciary, 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. PITTS (for himself and Mr. KIRK):

H.R. 3979. A bill to provide for the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the Republic of Uzbekistan; to the Committee on Ways and Means.

By Mr. ROTHMAN (for himself, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. SERRANO, Mr. BALDACCIO, Mr. FROST, and Mr. RANGEL):

H.R. 3980. A bill to provide for a circulating commemorative coin to commemorate the events of September 11, 2001; to the Committee on Financial Services.

By Mr. TOOMEY:

H.R. 3981. A bill to amend the Congressional Budget Act of 1974 to protect Social Security beneficiaries against any reduction in benefits; to the Committee on Rules, and in addition to the Committee on the Budget, 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. TRAFICANT:

H.R. 3982. A bill to apply recently imposed tariffs on steel imports towards assistance for displaced steel workers and retirees; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, 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. KERNS:

H. Con. Res. 350. Concurrent resolution expressing the sense of Congress that amnesty should not be granted to individuals who are in the United States, or its territories, illegally; to the Committee on the Judiciary.

By Ms. MCCOLLUM:

H. Con. Res. 351. Concurrent resolution expressing the sense of Congress that the United States should condemn the practice of execution by stoning as a gross violation of human rights, and for other purposes; to the Committee on International Relations.

By Mr. POMBO (for himself, Mr. STUPAK, Mr. OTTER, Mrs. DAVIS of California, Mr. KILDEE, Mr. SCHAFER, Mr. MCINNIS, Mr. SIMPSON, and Mr. STUMP):

H. Con. Res. 352. Concurrent resolution expressing the sense of Congress that Federal land management agencies should fully implement the Western Governors Association "Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment" to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National Prescribed Fire Strategy that minimizes risks of escape; to the Committee on Agriculture, 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 Mr. BURTON of Indiana (for himself and Mr. RANGEL):

H. Res. 370. A resolution recognizing the Ellis Island Medal of Honor and commending the National Ethnic Coalition of Organizations; to the Committee on the Judiciary.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 257: Mr. CALVERT, Mr. MCINTYRE, and Mr. BISHOP.

H.R. 292: Mr. WALSH, Ms. LOFGREN, Mr. WATT of North Carolina, and Ms. JACKSON-LEE of Texas.

H.R. 495: Mr. BALDACCII.

H.R. 516: Mr. BLUNT.

H.R. 572: Mr. MASCARA.

H.R. 638: Mrs. JONES of Ohio and Mr. WU.

H.R. 690: Mrs. JONES of Ohio.

H.R. 745: Ms. SLAUGHTER.

H.R. 764: Mr. KILDEE.

H.R. 902: Ms. PRYCE of Ohio, Mr. ADERHOLT, Mr. ISRAEL, and Ms. DELAURO.

H.R. 950: Mr. BARCIA.

H.R. 1021: Mr. FOLEY.

H.R. 1109: Mr. WATTS of Oklahoma and Mr. CALVERT.

H.R. 1136: Mr. BORSKI.

H.R. 1517: Mr. BENTSEN.

H.R. 1522: Mr. PETERSON of Minnesota and Ms. MCKINNEY.

H.R. 1535: Mr. ANDREWS.

H.R. 1626: Mrs. JO ANN DAVIS of Virginia.

H.R. 1779: Mr. KINGSTON and Mr. BALDACCII.

H.R. 1842: Mr. OLIVER.

H.R. 1943: Mr. HASTINGS of Florida, Mr. FARR of California, and Mr. MCGOVERN.

H.R. 1987: Mr. TOM DAVIS of Virginia and Mr. BISHOP.

H.R. 2301: Mr. OSE.

H.R. 2406: Mr. TIERNEY.

H.R. 2483: Mr. LEACH.

H.R. 2629: Mr. BALDACCII, Mr. WYNN, and Mr. BARTLETT of Maryland.

H.R. 2735: Mr. DEFALAZIO and Ms. ESHOO.

H.R. 2763: Mr. WILSON of South Carolina, Mr. EVERETT, and Mr. KERNS.

H.R. 2765: Mr. PETERSON of Minnesota.

H.R. 2874: Mr. SERRANO.

H.R. 2937: Ms. BERKLEY.

H.R. 3068: Mr. GARY G. MILLER of California.

H.R. 3094: Mr. WALSH.

H.R. 3113: Mr. PASTOR.

H.R. 3192: Mr. FOLEY.

H.R. 3321: Mr. PALLONE and Mr. NEAL of Massachusetts.

H.R. 3332: Mr. BROWN of Ohio, Mr. LATOURETTE, Mr. SESSIONS, Mr. KNOLLENBERG, and Mr. SANDLIN.

H.R. 3337: Mr. ALLEN.

H.R. 3414: Mr. SAWYER.

H.R. 3450: Mr. FLETCHER and Mr. DIAZ-BALART.

H.R. 3473: Mr. LARSEN of Washington.

H.R. 3609: Mr. NETHERCUTT, Mr. BARCIA, Mr. ENGLISH, Mr. RADANOVICH, Mr. COMBEST, Mr. QUINN, Mr. STENHOLM, Mr. MORAN of Kansas, Mr. NORWOOD, Mr. CULBERSON, Mr. BLUNT, Mr. POMBO, and Mr. DUNCAN.

H.R. 3661: Mr. MOORE.

H.R. 3678: Mr. BARTLETT of Maryland.

H.R. 3690: Mr. FRANK, Mrs. JONES of Ohio, Mr. BERMAN, Mr. HONDA, Mr. UNDERWOOD, and Ms. LOFGREN.

H.R. 3705: Mr. DOOLITTLE, Mr. SCHAFER, Mr. CALVERT, Mr. THORNBERRY, Mr. HERGER, Mr. RADANOVICH, Mr. SIMPSON, Mr. LINDER, and Mr. STUMP.

H.R. 3706: Mr. DOOLITTLE, Mr. SCHAFER, Mr. CALVERT, Mr. THORNBERRY, Mr. HERGER, Mr. RADANOVICH, Mr. SIMPSON, and Mr. STUMP.

H.R. 3707: Mr. DOOLITTLE, Mr. SCHAFER, Mr. CALVERT, Mr. THORNBERRY, Mr. HERGER, Mr. RADANOVICH, and Mr. STUMP.

H.R. 3733: Ms. SLAUGHTER.

H.R. 3770: Mr. BRADY of Pennsylvania, Mr. BLUNT, Mr. FOLEY, and Mr. BECERRA.

H.R. 3771: Mr. UNDERWOOD, Mr. CUNNINGHAM, and Ms. MCKINNEY.

H.R. 3784: Mr. WILSON of South Carolina, Mr. LAFALCE, Mrs. DAVIS of California, Mr. OSBORNE, Mr. BURR of North Carolina, Mr. WATTS of Oklahoma, Mr. SIMMONS, Mr. GIBBONS, Mr. BERMAN, Mr. SOUDER, Mr. DUNCAN, Ms. MCCARTHY of Missouri, Mr. FILNER, Mr. BRADY of Pennsylvania, Ms. BALDWIN, Mr. BALDACCII, Mr. STRICKLAND, Mr. SCHIFF, and Mr. GORDON.

H.R. 3794: Mrs. KELLY, Ms. NORTON, Mr. ENGEL, Mr. NADLER, Ms. MCKINNEY, and Mr. ROTHMAN.

H.R. 3805: Mr. CANTOR.

H.R. 3842: Mr. MCINTYRE and Mr. PALLONE.

H.R. 3857: Mr. HOUGHTON and Mr. WATKINS.

H.J. Res. 40: Mr. HALL of Ohio and Mr. KLECZKA.

H. Con. Res. 315: Mr. JEFF MILLER of Florida.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 6. March 13, 2002, by Mr. STEVE ISRAEL on House Resolution 352, was signed by the following Members: Steve Israel, Rosa L. DeLauro, Martin Frost, Max Sandlin, Ciro D. Rodriguez, Nancy Pelosi, Jim McDermott, Charles A. Gonzalez, Cynthia A. McKinney, Jesse L. Jackson, Jr., Michael R. McNulty, Alcee L. Hastings, James R. Langevin,

Thomas H. Allen, Robert Wexler, Calvin M. Dooley, Bob Clement, Dennis Moore, Robert A. Borski, Rush D. Holt, Lois Capps, James P. Moran, Diana DeGette, Karen McCarthy, Eva M. Clayton, Betty McCollum, Robert A. Brady, Joseph M. Hoeffel, Jane Harman, Wm. Lacy Clay, Barbara Lee, Carolyn McCarthy, Elijah E. Cummings, Albert Russell Wynn, John B. Larson, Hilda L. Solis, John Elias Baldacci, Neil Abercrombie, Michael M. Honda, Tom Udall, Mike Ross, Leonard L. Boswell, Shelley Berkley, Juanita Millender-McDonald, Adam B. Schiff, Grace F. Napolitano, Xavier Becerra, Gregory W. Meeks, Bill Pascrell, Jr., David D. Phelps, Joe Baca, Lynn N. Rivers, Diane E. Watson, Michael E. Capuano, Lloyd Doggett, Fortney Pete Stark, William D. Delahunt, Carrie P. Meek, Sheila Jackson-Lee, Gary L. Ackerman, Stephen F. Lynch, Lynn C. Woolsey, John Conyers, Jr., Peter A. DeFazio, Mark Udall, Susan A. Davis, Nick Lampson, José E. Serrano, Nita M. Lowey, Louise McIntosh Slaughter, John F. Tierney, Stephanie Tubbs Jones, Tammy Baldwin, Mike McIntyre, Ted Strickland, Bob Etheridge, Nydia M. Velázquez, Patsy T. Mink, Bobby L. Rush, Tom Lantos, George Miller, Robert E. Andrews, Donald M. Payne, Major R. Owens, Eddie Bernice Johnson, Barney Frank, Carolyn C. Kilpatrick, James E. Clyburn, John W. Olver, Bennie G. Thompson, Gene Green, Jim Turner, Patrick J. Kennedy, Janice D. Schakowsky, Jay Inslee, Dennis J. Kucinich, Ed Pastor, Martin Olav Sabo, James H. Maloney, Zoe Lofgren, David E. Bonior, Jerrold Nadler, Bart Gordon, Earl F. Hilliard, Dale E. Kildee, Anthony D. Weiner, Chaka Fattah, Karen L. Thurman, Frank Pallone, Jr., Darlene Hooley, Ken Lucas, Tim Holden, Martin T. Meehan, Robert T. Matsui, Tom Sawyer, Brad Sherman, Maurice D. Hinchey, William J. Coyne, Earl Blumenauer, Sherrod Brown, Jerry F. Costello, William O. Lipinski, Brian Baird, Lane Evans, David R. Obey, Harold E. Ford, Jr., Henry A. Waxman, Solomon P. Ortiz, James A. Barcia, Lucille Roybal-Allard, John Lewis, Howard L. Berman, Rick Larsen, Silvestre Reyes, Bill Luther, Carolyn B. Maloney, Sanford D. Bishop, Jr., James P. McGovern, Bob Filner, Mike Thompson, John J. LaFalce, Ellen O. Tauscher, David E. Price, Maxine Waters, Steny H. Hoyer, Marcy Kaptur, Brad Carson, Chet Edwards, Charles B. Rangel, Loretta Sanchez, Bernard Sanders, David Wu, Sam Farr, Frank Mascara, Joseph Crowley, Bart Stupak, John M. Spratt, Jr., Steven R. Rothman, Edward J. Markey, Ike Skelton, Benjamin L. Cardin, Eliot L. Engel, Richard A. Gephardt, John D. Dingell, Sander M. Levin, Corrine Brown, Melvin L. Watt, Gary A. Condit, Robert Menendez, Peter Deutsch, Norman D. Dicks, Vic Snyder, Luis V. Gutierrez, Julia Carson, Tony P. Hall, James L. Oberstar, and Ron Kind.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4, by Mr. RANDY "DUKE" CUNNINGHAM, on House Resolution 271: Ted

Strickland, Tim Holden, and Harold E. Ford, Jr.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2146

OFFERED BY: MR. CONYERS

AMENDMENT NO. 1: Page 4, after line 7, insert the following:

SEC. 3. STUDY OF IMPACT OF LEGISLATION.

(a) In each case in which a life sentence is imposed under section 3559(e), the judge shall make and transmit to the Administrative Office of the United States Courts findings with regard to each of the following:

(1) The applicable range under the Federal Sentencing Guidelines if the statutory minimum life sentence had not applied.

(2) The sentence that the court would have imposed on the defendant if the statutory minimum life sentence had not applied, in light of the nature and circumstances of the offense, the history and characteristics of the defendant, and the other factors set forth in section 3553(a).

(3) The race, gender, age, and ethnicity of the victim and defendant.

(4) The reason for the Government's decision to prosecute this defendant in Federal

court instead of deferring to prosecution in State or tribal court, and the criteria used by the Government to make that decision in this and other cases.

(5) The projected cost to the Federal Government of the life sentence, taking into account capital and operating costs associated with imprisonment.

(b) To assist the court to make the findings required in subsections (a)(4) and (a)(5), the Government attorney shall state on the record such information as the court deems necessary to make such findings, including cost data provided by the Bureau of Prisons. In making the required findings, the court shall not be bound by the information provided by the Government attorney.

(c) The Administrative Office of the United States Courts shall annually compile and report the findings made under subsection (a) to the Congress.

Redesignate succeeding sections accordingly.

H.R. 2146

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 2: Add at the end the following new section:

SEC. . PROHIBITION OF FEDERAL EXPENDITURES.

No federal funds shall be expended for this Act if there are more than five convicted sex offenders within any given ZIP code.

H.R. 2146

OFFERED BY: MR. SCOTT

AMENDMENT NO. 3: Page 2, beginning in line 22, strike "2243(a) (relating to sexual abuse of a minor".

Page 4, after line 7 insert the following:

SEC. 3. LIFE IMPRISONMENT MAXIMUM FOR CERTAIN REPEAT SEX OFFENDERS AGAINST CHILDREN.

Section 2243(a) of title 18, United States Code, is amended by striking the final period and inserting ", but if the defendant has a prior sex conviction (as defined in section 3559(e)) in which a minor was a victim, the court may sentence that defendant to imprisonment for any term or years or for life."

Redesignate succeeding sections accordingly.

H.R. 2146

OFFERED BY: MR. SCOTT

AMENDMENT NO. 4: Page 4, after line 11, insert the following:

SEC. 4. SPECIAL PROVISION FOR INDIAN COUNTRY.

Section 3559(c)(6) of title 18, United States Code, is amended by inserting "or subsection (e)" after "this subsection" each place it occurs.