

We suspect that the new method for ratable reduction is the reason Hawaii will face this enormous loss. The Learning Opportunity Threshold (LOT) method places a higher priority on those school districts with high percentages of Impact Aid students and a high percentage of impact aid funds in their budget. During the reauthorization last year, we knew the LOT would adversely impact Hawaii because of the fact that our whole state is one school district. Therefore, even though certain areas of the state have high concentrations of military A children, when looking at the whole state Impact Aid children make up a much smaller percentage of our total student population and the Impact Aid funds make up a smaller percentage of our state budget.

To compensate for this situation (large school districts with large number of A students) it was proposed that an extra "weight" in the initial formula be given to Hawaii and San Diego to minimize the impact of the LOT. Formula runs that were produced at the time of reauthorization showed that Hawaii would receive about \$25 million under this scheme.

Now that the actual allocations are being made by the Department of Education, this has not held true. In fact, Hawaii stands to lose over half of its impact aid payment once the two year hold-harmless ends. This was clearly not the intention of the Committee, as it proposed to minimize the impact of the LOT on Hawaii.

I believe there is a simple remedy to this situation. Hawaii's seven administrative districts within our single LEA are often treated as separate LEA's for the purposes of calculating federal formulas. This is true for Title I and was true of the impact Aid formula prior to this reauthorization. We believe if this language is reinserted in the impact Aid formula and each of our seven administrative districts are treated as separate LEA's this unintended impact of the LOT formula will be mitigated.

My staff is working with our school district to ensure that the school district possesses the necessary data in order for the U.S. Department of Education to calculate Hawaii's allocation based on seven districts rather than one. We are also conferring with the Department to assure that this remedy would indeed fix Hawaii's situation.

I appreciate your consideration, and look forward to working with you to resolve this unforeseen consequence of the new Impact Aid formula.

Very truly yours,

PATSY T. MINK,
Member of Congress.

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

Mr. CUNNINGHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities.

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

Mr. GOODLING. Mr. Speaker, today we are witnessing a love-in and a marriage between San Diego and Hawaii, and I would assure the gentleman from Ohio that everything in the legislation was made in America.

Mr. Speaker, during the 103d Congress, we enacted major changes to the impact aid law. These changes focused the program on those school districts in greatest need and eliminated all the various exemptions, exceptions, et cetera which had been made to the pro-

gram over the years. Before the enactment of these reforms, this program was losing its base of support in Congress and was the subject of a fair amount of criticism.

At that time, I vowed that the only changes made to this program in the future would be those with broad, national application, or to clarify current law. The changes reported by my committee, and outlined by Chairman DUKE CUNNINGHAM are just that.

The Impact Aid program serves an important purpose. It assists those school districts whose ability to educate their student population is adversely impacted by a Federal presence.

The legislation before you today, H.R. 3269, insures that the program will continue to effectively address the needs of those school districts. I urge your support of this measure.

Mr. CUNNINGHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN], who has been a leader.

Mr. BATEMAN. Mr. Speaker, let me begin by thanking Mr. CUNNINGHAM, Mr. GOODLING, Mr. KILDEE, and Mr. CLAY for bringing this bipartisan impact aid technical corrections package to the floor. All four gentlemen have been good friends to the Impact Aid program over the years.

I am particularly pleased by the committee's decision to include two provisions that address military housing and the section 8002 land payment program. On military housing, I believe the committee has drafted a sensible plan that preserves Impact Aid payments to schools when children and their parents are temporarily moved off-base because of Department of Defense housing renovations.

I also would like to praise the committee for including a hold harmless provision for the section 8002 land payment program, which helps localities where the Federal Government has taken a significant portion of local land off the tax rolls. By phasing in the impact of changes made to the land payment program, we are giving local schools time to adjust their budgets without jeopardizing the education of federally connected children.

I urge my colleagues to vote for this worthy piece of legislation.

Mrs. MINK of Hawaii. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to express my support for H.R. 3269, the impact aid technical amendments bill. Hawaii is, in many cases, an exception to the rule in the United States. With regard to the impact aid program, Hawaii is the only State in the Union with one school district. However, the U.S. Department of Education, routinely treats the seven administrative agencies within Hawaii's single school district as separate when calculating Federal formula grants. This is true of title I and was true of the impact aid formula prior to the last reauthorization. When the impact aid reauthorization was considered in the 103d Congress, it was not expressly

stated that Hawaii's one school district should be regarded as seven for administrative purposes. H.R. 3269 clarifies such congressional intent with the technical amendments and effectively increases Federal impact aid contributions to Hawaii by approximately a half. H.R. 3269 would finally allow Hawaii a fair allocation under the impact aid program.

Throughout my congressional career, I have strongly supported impact aid and the principle that States should be compensated for the use of State property for Federal activities. Without impact aid, the burden of educating federally supported families would become an unfunded mandate for local education agencies. As a member of the Impact Aid Coalition Steering Committee, I will continue to advocate for the military families and all children who benefit from the impact aid program.

Mr. CUNNINGHAM. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. CUNNINGHAM] that the House suspend the rules and pass the bill, H.R. 3269.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

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

There was no objection.

MEGAN'S LAW

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2137) to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.

The Clerk read as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as "Megan's Law".

SEC. 2. RELEASE OF INFORMATION AND CLARIFICATION OF PUBLIC NATURE OF INFORMATION.

Section 170101(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(d)) is amended to read as follows:

"(d) RELEASE OF INFORMATION.—

"(1) The information collected under a State registration program may be disclosed for any purpose permitted under the laws of the State.

"(2) The designated State law enforcement agency and any local law enforcement agency authorized by the State agency shall release relevant information that is necessary to protect the public concerning a specific person required to register under this section, except that the identity of a victim of an offense that requires registration under this section shall not be released."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Speaker, it was noted that over the weekend the press made a good deal of the fact that we have the latest crime statistics out and that the good news is that the crime rate in the Nation overall has declined for the fourth year in a row.

What is misleading about those statistics that were out this weekend is the fact that the crime rate in this country is still entirely unacceptably high. If we look historically, we will see that now we have a crime rate that is roughly 700 violent crimes for every 100,000 Americans. Back about 30 years ago, we had a little less than 200 violent crimes for every 100,000 Americans. We have had over a 500-percent increase in the rate of violent crime and the number of those crimes committed in this country over the past 20 or 30 years.

Mr. Speaker, for us to be basking in the light of a couple of little blips on the screen downward in the spiral of the rate of increase in violent crime is to find ourselves, I think, kidding each other with respect to what we need to do to fight crime in this country. We have a lot more to do. That is especially true when it comes to the question of youth crimes and crimes against those who are most vulnerable in our society: Children and the elderly. Those who commit crimes particularly against children are what this bill before us today, H.R. 2137 is all about.

Mr. Speaker, perhaps no type of crime has received more attention in recent years than crimes against children involving sexual acts and violence. Several recent tragic cases have focused public attention on this type of crime and resulted in public demand that government take stronger action against those who commit these crimes. In 1994, Congress passed the Violent Crime Control and Law Enforcement Act, which contained a title, the "Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act," named after a child who has been missing for several years. That title encouraged States to establish a system where every person who commits a sexual or kidnapping crime against children, or who commits sexually violent crimes against any person, whether adult or child, would be required to register his or her address with the State upon their release from prison.

Mr. Speaker, I want to briefly point out that the 1994 Act provision did not create an unfunded Federal mandate. States which choose to not implement such a system by September 1997 only will lose a part of their Federal crime-fighting funds. But I am pleased to say

that the overwhelming majority of States have already implemented laws that create these types of offender registration systems.

A key issue concerning these State statutes, however, is whether they require or merely permit law enforcement authorities to release information about registered offenders if the authorities deem it necessary to protect the public. The bill Congress passed in 1994 only required States to give law enforcement agencies the discretion to release offender registry information when they deemed it necessary to protect the public. It has been brought to the attention of the Judiciary Committee, however, that notwithstanding the clear intent of Congress that relevant information about these offenders be released to the public in these situations, some law enforcement agencies are still reluctant to do so.

Mr. Speaker, this bill, H.R. 2137, introduced by the gentleman from New Jersey [Mr. ZIMMER], makes an important change in the 1994 Act. It would amend that law to assure that States require their law enforcement agencies to release relevant information in all cases when they deem it necessary to protect the public.

Additionally, this bill clarified the 1994 Act with respect to the issue of whether information collected under a State registration program may be disclosed for other purposes permitted under the laws of that State. In the 1994 act, Congress required that all information collected by the registration program be kept confidential. In some instances this requirement limited public access to what had been public records before the 1994 act became law. H.R. 2137 will correct this unintended consequence by allowing each State to determine the extent to which the public may gain access to the information kept by the State.

Mr. Speaker, this bill takes another step forward toward protecting the most defenseless of our citizens—our children. It is a needed change. I urge my colleagues to support it.

□ 1530

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

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

Mr. Speaker, I rise in support of this measure, but I am not quite clear that we do not have a constitutional problem here. This is the Committee on the Judiciary that is reporting this measure. I agree with the analysis of the gentleman from Florida [Mr. MCCOLLUM]. The only problem is that he left out the part that we may be forced to revisit before this thing is all over with. I suppose it is somebody's job here to bring this to the attention of members of the committee, Members of the House that are not on the Committee on the Judiciary.

There have been court cases that find that identifying a person after a con-

viction is a continuation of punishment and could raise a constitutional problem. It has come up in court cases before, and we will likely hear about it again. The Federal district court has already found a similar provision unconstitutional, finding that notification provisions do constitute a form of punishment more than a regulatory scheme and therefore is violative of the prohibition on the ex post facto clause that appears in the Constitution.

In other words, this may be good from this point on, but I think it creates an open case that we may want to remember as we pass this measure, that it could present a problem in the courts in the future.

Mr. Speaker, we have come together here to focus in on this matter. We think, though, that in the larger scheme of things, this notification process actually already exists in the law. While we are not making an unfunded mandate, we are creating a penalty for States that receive Federal funds if they do not comply. That is a different kind of animal, but at the same time it is meant to be coercive upon the States.

I join in support of this measure. I hope that it will do some good.

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

Mr. MCCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. ZIMMER], the author of this piece of legislation.

Mr. ZIMMER. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the gentleman for his expeditious treatment of this legislation in his subcommittee.

Mr. Speaker, on July 29, 1994, a beautiful little girl named Megan Kanka was lured into the home of a man who literally lived across the street from her. He said that he had a puppy he wanted to show her. He then proceeded to brutally rape and murder this little girl. It was later found that the man who is accused of killing little Megan Kanka was twice convicted of being a sexual predator. He lived with two housemates who were themselves convicted sexual predators, and no one in the neighborhood was aware of it.

If Megan Kanka's parents had been aware of the history of the man who lived across the street from them, they would have been able to warn Megan. They believe, and I believe, that little Megan would be alive today. This legislation is meant to protect other young lives.

Later that summer the 1994 crime bill came back to us from conference committee with an eviscerated community notification provision relating to sexual predators. Many of us, the gentlewoman from Washington [Ms. DUNN], the gentleman from Georgia [Mr. DEAL], and others, fought to make sure that we had the most stringent and the strongest possible community notification provisions that we could include in that legislation. And we had considerable success.

As enacted, the 1994 crime bill provided that sexual predators will have to register with local authorities and that their whereabouts will be tracked. It gave local law enforcement authorities the option to disclose that information to people in the neighborhood where the sexual predator resides. It did not require that notification, but, based on experience in States like Washington, we anticipated that that would become the rule rather than the exception that neighbors would be notified of the presence of a dangerous sexual predator.

Mr. Speaker, that legislation has resulted in the vast majority of States providing for some sort of registration and tracking and at least optional notification of the neighborhood, but only a minority of States actually require the disclosure of this critical information to those whose families might be in danger. That is why we need to go this extra step and change one word, "may," to the word "shall" so that all 50 States will be held to a common standard of community notification. That is what this legislation would achieve.

With the passage of this bill, we put the rights of children above the rights of convicted sexual predators. We are giving the community the right to know when its children are in jeopardy.

This legislation has strong bipartisan support. It is supported by Janet Reno, the Attorney General, and the President of the United States, as well as many members of the minority side of the aisle.

Mr. Speaker, Megan's law is Megan's legacy. It is her gift to all children whose lives will be saved because of the knowledge this law will provide. I want to commend the parents of Megan Kanka, Maureen and Richard Kanka, for their crusade to make something good happen out of an unspeakable tragedy in their life.

If I have the time, Mr. Speaker, I would like to respond to the remarks of the gentleman from Michigan about the legal status of this legislation. The highest court to consider the constitutionality of Megan's law, as it applies to previously convicted sexual predators, is the Supreme Court of the State of New Jersey. That court in a nearly unanimous decision found that the rights of children, the rights of potential victims, supersede the rights of predators because they concluded, based on a very scholarly and thorough analysis of the law, that notification is not additional punishment. Therefore, it does not violate the ex post facto or double jeopardy clause of the Constitution. It is merely a preventive effort on the part of society to disseminate information that is largely of public record already.

Mr. Speaker, I believe that rationale and that reasoning will be upheld by the U.S. Supreme Court when this law comes before it, as it surely will. There is no question in my mind that the proper reading of the Constitution al-

lows families to properly protect their children.

NATIONAL CENTER FOR MISSING
AND EXPLOITED CHILDREN,
Arlington, VA, May 7, 1996.

Hon. DICK ZIMMER,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN ZIMMER: I wanted to express our sincere gratitude for your strong leadership in connection with your bill strengthening the federal "Megan's Law."

Thanks to your efforts, Megan Kanka's legacy will be a nation of safer, smarter families and children. The passage of your bill will be a living tribute to the courage of Megan's parents, the commonsense approach which the proposal represents, and your aggressive management of this vital bill.

Unfortunately, too often it takes a tragedy to awaken the nation to a problem. Megan's tragic and untimely death helped millions of Americans understand several key facts:

(1) that most of the victims of sex offenders in the United States are children and youth; and

(2) that a significant number of offenders have a high propensity to reoffend.

Therefore, we need to take simple, basic steps to alert communities in the most serious, dangerous cases. We believe that this measure will result in appropriate safeguards that meet constitutional standards, and most importantly, will make it less likely that other children will be victimized.

There is no higher or more compelling purpose of government than to protect the public safety. Your bill is a reasonable, balanced approach to a serious problem, and we support it enthusiastically.

I regret that I cannot be with you in person to express my thanks and support. However, a prior speaking commitment makes it impossible. Nonetheless, I assure you that my thoughts are with you and Mrs. Kanka on this important day.

Sincerely,

ERNIE ALLEN,
President.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER], the former chairman of the Subcommittee on Crime.

Mr. SCHUMER. Mr. Speaker, I rise in support of the bill. This bill is part of a continuing fight against the relentless predators who target our children, the most vulnerable members of our society. I think what people have to understand is one thing that has become clear for the years that I have looked into this problem, and that is that sexual offenders are different. They are not simply like other sexual offenders. Even after long, long years in prison and many, many attempts to rehabilitate, when these folks come out of prison, the odds are extremely high that they will commit the same or a similar crime again.

Long prison terms do not deter them. All too often, special rehabilitation programs do not cure them. No matter what we do, the minute they get back on the street, many of them resume their hunt for victims, beginning a restless and unrelenting prowl for children, innocent children to molest, abuse, and in the worst cases, to kill.

So we need to do all we can to stop these predators. Tough punishment, long prison terms, that is one answer.

But they are not a complete answer. We should be warning communities in which these predators live. Parents, teachers, neighbors have a right to protect themselves and their children from the violent acts of these proven offenders. That is what this bill does. It builds upon the bill we passed, the law we passed in the last Congress, requiring States to set up registration systems for sexual offenders who abuse children. It strengthens that law by freeing the hands of local authorities to use this information for any legal purpose. It clears up an ambiguity by requiring rather than permitting that information about these offenders be released when it is necessary to protect public safety.

Mr. Speaker, I know that some of my colleagues have sincere and heartfelt reservations about the constitutionality of these registration systems. But what I would say in answer to that is that there is nothing in the law we passed last year or in this bill that requires or even suggests that an unconstitutional system be set up by any State. Whatever guidelines the courts may ultimately enact or establish regarding such notice system can and will be incorporated into the systems our law requires.

The bottom line is we have to balance the rights of offenders. But I am absolutely convinced that in these cases, the rights of children to be safe and free from harm far outweighs whatever minimal inconvenience or embarrassment this law may impose on sexual offenders who might in all too many cases abuse those innocent children.

I urge my colleagues to support the bill, and I thank the ranking member for yielding of time to me.

Mr. MCCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H.R. 2137, sponsored by my good friend and colleague, the gentleman from New Jersey, DICK ZIMMER, designed to correct a flaw in the 1994 crime bill concerning registration of criminal sex offenders and notification provisions. The weakness of the 1994 omnibus crime bill could and should have been resolved in the original legislation, but it was not.

Members may recall, for example, that on July 13, 1994, the House voted on a motion by the gentlewoman from Washington [Ms. DUNN] to instruct the conferees to insist on Senate provisions that call on States to track sexually violent offenders released from jail and allow law enforcement agencies acting in good faith and with immunity from liability laws to notify communities of their presence. The conferees turned a blind eye to that motion. This legislation is an excellent attempt to correct this omission from the 1994 crime bill.

Mr. Speaker, as my friend pointed out, in late July 1994, a young 7-year-old girl named Megan Kanka was sexually assaulted and brutally murdered

by a twice-convicted sex offender who lived across the street from the Kanka's home in Hamilton Township, which is in my district. The entire community, Mr. Speaker, was absolutely stunned and horrified.

Despite the fact that they were overcome with indescribable grief and pain, Megan's heroic parents, Maureen and Richard, mounted a full court press to enact State and Federal legislation to track criminal sex offenders and to inform and notify communities of their whereabouts.

In New Jersey, State Senator Pete Inverso and Assemblyman Paul Kramer, with the full backing of Governor Christie Whitman, quickly moved on legislation that became known as Megan's law. Other States followed suit. Still many States lag in enacting laws to inform communities as to the proximity of sex offenders. I still find it tragic beyond words, Mr. Speaker, that no one knew that Megan Kanka's killer lived across the street. No one knew that the murderer was a two-time convicted sex offender who was released from prison in 1988 after spending 6 years of a 10-year sentence. No one knew that he lived with two other men who had previous records of sex crimes against children. No one knew that unspeakable danger and perversion was in the neighborhood and no one knew that 1 day that perversion would lure an innocent child to her death.

□ 1545

Megan's courageous parents had an absolute right to know of this danger, and they have been working ever since to protect other parents from going through that terrible agony that they have suffered. All parents, Mr. Speaker, have a clear and compelling need to know if their neighbors prey on kids. This legislation advances that cause.

Mr. CONYERS. Mr. Speaker, before yielding to the distinguished gentlewoman from Colorado, I yield myself 30 seconds.

Just so we get the history of Megan's Law down in the record here, the State of New Jersey, as a result of the horrible crime that has been repeated and recharacterized on the floor, passed a law that required notification, and so did a lot of other States, and so we are not federally mandating that all of the States, including the ones that have it, now observe Megan's Law.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER], a ranking member of the committee.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS] for yielding this time to me.

I just rise to say this is a very important bill. If there is anything any society or community should do, it is protect its children.

When we go back as far as we know in history, that has been one of the main goals of people coming together

to live in any kind of a community, to protect the young and to protect their children, and, as we have gotten to be a more sophisticated society, it has been more and more difficult to carry this out.

I was very proud in 1993 to have carried the National Child Protection Act. That was the beginning of this, and this is the bill that Megan's Law is built upon because what it says is the FBI should maintain a national network and that States should report convictions of child abuse and child molestation to the national network maintained by the FBI. If we do not have this national network, people could flee their record by crossing State lines, even if a State tried to be very vigilant. So we are in an area where States could not do this by themselves.

I also want to remind people how thankful we all are that Oprah Winfrey helped us with this act. She worked very hard on children's safety, too, and I think we probably would not have gotten it as far as we got it and over the finish line if it had not happened because people probably would have yelled "mandates" or all sorts of things. And actually this is a mandate; it mandates States do report. Mr. Speaker, that probably does cost some money, and there is not any money here to solve that.

But what we really said is that is so important, and that is so much the base of our society, and that if every State is not reporting, then this record that the FBI is keeping is not worthwhile, and if citizens are relying on that record to be kept, then they should be able to have access to it as parents or anything else.

As my colleagues know, the focus of the 1993 law was to deal with child day care, to deal with any kind of area where an adult was applying for a job where they should have supervision over a child where nobody was really monitoring them constantly because we had seen many, many, many areas where people who had been convicted of child molestation left one State, went to another State, and got a job right back in the same area so that they had this tremendous potential to molest children again. We cannot allow that.

So I am pleased that Megan's Law is building upon what we began. This goes further. It says not just the employment area, but also parents, should have access if someone moves in their neighborhood, so that the neighborhood can watch. And that is what it is about: watching, watching people or things that might harm the children, and watching the children to make sure they cannot get in harm's way themselves.

So I thank this body for bringing this forward, and I hope everybody votes for this with a resounding "yes."

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds to express my gratitude to the gentlewoman from Colorado for reminding the House of the

antecedents that have led up to this important measure.

Mr. McCOLLUM. Mr. speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], chairman of the Early Childhood Youth and Family Subcommittee, who is one of the creators of some of this law.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding this time to me, and I would like to add to my friend that gave the history that, yes, there was the Megan problem in New Jersey, and, yes, several States have passed it, but only after the gentlewoman from Washington [Ms. DUNN] and the gentleman from Georgia [Mr. DEAL] got together, put a bill together. It was voted on in the House, and when the Democrats were in the majority, it was kicked out of the conference. Republicans and Democrats combined in the coalition, went back to Speaker Foley. He put the bill back into the conference, and it was passed here on this House floor.

But I ask that Megan's law, that the gentleman from New Jersey [Mr. ZIMMER] is putting forth, will make the Dunn-Deal a done deal, that it does strengthen the legislation passed on this House floor.

Can my colleagues imagine Larry Quay, the individual that, in public outrage, most all Americans fought because he was going to be released after he said he was going to do it again? Would my colleagues want that individual to move in next door to their family without knowing about it, that perhaps a sexual predator's life should be just a little more toxic than someone else in the American citizenry, that an individual that preys on children, that maybe their rights should be secondary to children's and families'?

So I would like to thank the chairman of the committee and the gentleman from New Jersey [Mr. ZIMMER] for making this a done deal. Both Senator DOLE and the President support this legislation.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE], a distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. I thank the gentleman from Michigan very much for yielding this time to me, and I want to congratulate and applaud the ranking member, Mr. CONYERS, both for his concerns that he has articulated, but as well for his cooperation with the chairman as we have brought forth this bill in the name of, tragically, Megan Kanka, who was raped and strangled and murdered by a twice-convicted pedophile who lived across the street from her. Some would say this is long overdue.

Just a few weeks from now, on June 1, there will be an effort to put children first and have this Nation recognize, by an effort at the U.S. Capital, bring all of Americans who believe in children here to indicate that we stand for children.

Texas in particular, and my community, applauds this bill and hopes that our colleagues will pass it because we recently had to face a situation where a repeated child molester, who acknowledged his capability for molesting again, was about to be released into the community. This bus driver from San Antonio went public and said there is nothing that can be done about his inclination to molest and abuse and possibly murder children. And here we were in Texas with a quandary, of course, of determining what to do with such an individual. But just think if he had not gone public, the possibility of this individual going back into any one of our communities and to be able to prey on children again.

This bill is an important bill because it adds to the may, the shall, the must, to require that these individuals with this inclination, this proven ability and acts of previous child molestation and other sexually violent offenders, that we will know as members of the family, as parents, as school officials, as community groups, as neighbors, all of us as children who are innocent and need to be represented.

In this particular bill, for example, it will protect children like Monique Miller of Houston, TX, who was brutally murdered and sexually abused by a repeat offender.

The interesting thing about this particular law, and I would share this with my colleagues: There is a growing recognition in this country that most sex offense victims are children and that reporting of these offenses are still low. The FBI law enforcement bulletin reported that only 1 to 10 percent of children or child molestation cases are ever reported to the police. According to the Children's Trust Fund of Texas, in 1995, 50,746 children, ages birth through 17, were victims of child abuse and neglect. The 7,926 were victims of sexual abuse in our particular community. According to the department of public safety in 1995, in Texas there were 361 homicides for children, ages birth through 16.

So I am here to applaud the author of this legislation and to as well applaud our desire to approach this in a bipartisan manner. This is an important step, Mr. Speaker, to stop the victimization of our children. It is an important step for the Committee on the Judiciary to recognize as we balance the judicial and constitutional rights of all Americans, responsibility of this committee, that we also recognize the high importance, the high moral ground, we take when we protect our children, the most innocent victims of all. I want to see a stop now and forever to the victimization of our children and certainly the senseless violence that has seen children even being kidnapped from their bedrooms and violently and sexually abused. This law goes a long way toward fighting this problem.

Mr. Speaker, I rise today in support of Megan's law, a bill named in honor of 7-year-old Megan Kanka who was raped, strangled,

and murdered by a twice convicted pedophile who lived across the street from her.

I am a cosponsor of this legislation which would amend the 1994 crime bill to require local law enforcement to release relevant information to the public about child molesters and other sexually violent offenders when they are discharged from prison. This bill would guarantee the appropriate dissemination of information so that parents, school officials, and community groups can responsibly use the information in order to protect their children.

We recently honored Victims Rights Week to pay tribute to all of the young women and children in this country whose lives have been cut short by hideous acts of violence. In particular, this bill would protect children like Monique Miller of Houston, TX who was brutally murdered and sexually abused by a repeat offender.

There is growing recognition in this country that most sex offense victims are children and that reporting of these offenses is still low. The FBI Law Enforcement Bulletin reported that, only 1 to 10 percent of child molestation cases are ever reported to police. And a National Victim Center survey estimated that 16 percent of rape victims are less than 18 years of age, 29 percent are less than 11. A recent U.S. Department of Justice study of 11 jurisdictions and the District of Columbia reported that 10,000 women under the age of 18 were raped in 1992 in these jurisdictions. At least 3,800 were children under the age of 12. According to the Children's Trust Fund of Texas, in 1995, 50,746 children ages birth through 17 were victims of child abuse and neglect. Some 7,926 were victims of sexual abuse, sexual abuse.

According to the Bureau of Justice statistics and the FBI, children under the age of 18 accounted for 11 percent of all murder victims in the United States in 1994. Between 1976 and 1994 an estimated 37,000 children were murdered. And half of all murders in 1994 were committed with a handgun; about 7 in 10 victims aged 15 to 17 were killed with a handgun. According to the Department of Public Safety, in 1995 in Texas there were 361 homicides for children ages birth through 16.

Clearly, we must do more to protect our children from violence. This requires more than jailing sex offenders and violent criminals after they commit crimes, although swift and effective punishment is important. This requires strong prevention and education which will keep our children from becoming victims of violent crime.

Megan's law is an important step in preventing the victimization of our children and putting an end to senseless violence in our communities. I urge my colleagues to support this legislation.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman from Florida for allowing me to rise today in support of H.R. 2137 and to commend my colleague, the gentleman from New Jersey [Mr. ZIMMER], for his leadership on Megan's Law.

It is a sad note that it took the tragedy of Megan Kanka's abduction and murder to make America aware of the need for this legislation. However, the gentleman from New Jersey, Mr. ZIM-

MER's, Megan's law is a major victory for victim's rights and for the rights of the public at large against convicted sexual predators in our community. It is about time that our Federal laws gave victims and their families priorities over the rights of convicted criminals.

As parents we constantly worry about the well-being of our children because we know of their innocence and vulnerability. Megan's Law goes a long way in helping parents and communities to protect our children from danger.

Mr. Speaker, it is my pleasure to support this bill and to commend the gentleman from New Jersey [Mr. ZIMMER] for his active work in its passage.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California [Ms. LOFGREN], a former law professor that distinguishes the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, I am proud, as a member of the Committee on the Judiciary, that we have reported the Megan's Law bill to the House, and I urge every Member to support this legislation.

California has recently moved into the sexual predator notification business, and although it is not an easy task to undertake, we have found that it is workable and has not created the vigilante environment that some who have qualms about this bill worry about.

I have heard some Members whom I respect a great deal advance the view that those who have been convicted of preying upon a child and have served a prison sentence and then been released have paid their debt to society and that this is further punishment. I disagree with that point of view.

Convictions are not secret in America. We can go down to the courthouse and find out who has been convicted. What Megan's Law does is to make that information available to those who need to know it most: parents, neighbors, and potential employers. I think that Megan's Law is about balancing the rights of privacy of a convicted pedophile against the safety of the public, and, most importantly, of children.

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When I think about the damage that abuse of children does, not only to that individual child but to our entire fabric of society, I am even more enthused about Megan's Law. I am aware that 25 percent of those who victimize children as adults were victimized and abused as children themselves. That does not mean that every child who has been victimized will grow to be a victimizing adult, but there is an obvious cycle here that needs to be interrupted.

As the parent of two children, I know that if there is danger in my neighborhood, I want to be aware of it. I want to take every step that I possibly can to make sure that my 14-year-old daughter and my 11-year-old son are

safe. And I know that as a parent, I am like every other parent in this country: I want to do the right thing so they have a good future. This legislation gives parents the tools that they need to take those steps.

Mr. Speaker, as I have said, unfortunately, the the recidivism rate for pedophilia is very high. Looking at studies of pedophiles going back to the late 1970's and early 1980's, it is pretty clear that as a society we have failed to come up with anything that works for these people. I thus urge the adoption of Megan's law.

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. DEAL], one of the original authors of the underlying legislation.

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, there is one abiding fear that all parents share. That is the fear that something tragic will happen to their child. We pass laws to make sure that their childhood toys are safe and that they will not be swallowed and choked on. We pass laws to be sure that there are child restraints properly installed in the vehicles on which they ride. All of us hold our breath when they finally get to the age where they can begin to drive vehicles themselves.

Mr. Speaker, this law today addresses an area of concern that haunts society. That is the possibility that their child will be victimized by someone who has previously done the same. If one of the purposes of government is to collectively protect ourselves better than we can do individually, then this law and its merits are very clear. I am pleased to rise in support of it. I commend the author, and I urge all of the Members of this body to vote for this very commonsense piece of legislation.

Mr. CONYERS. Mr. Speaker, I yield the remainder of our time to the gentleman from North Carolina [Mr. WATT], a distinguished lawyer, to close the arguments and discussion for our side.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from North Carolina [Mr. WATT] is recognized for 2½ minutes.

Mr. WATT of North Carolina. Mr. Speaker, this is a tremendously difficult issue. I started to stay in my office and punt, and not come over here and talk about it at all. It is difficult because the statistics do indicate that there is a higher rate of recidivism for those people who have committed one offense in this area, and a greater likelihood that some of them will commit another offense.

However, I thought it would be a dereliction of my duty as a Member of this body not to point out two very troubling aspects about this bill. First of all, our Constitution says to us that a criminal defendant is presumed innocent until he or she is proven guilty.

The underlying assumption of this bill is that once you have committed one crime of this kind, you are pre-

sumed guilty for the rest of your life. That, Mr. Speaker, is contrary, whether we like it or not, it is contrary to the constitutional mandates that govern our Nation. We should not be presuming people guilty unless they have committed a crime. Once they have paid their debt to society, they should be allowed to go on with their lives.

The second concern I have about this issue is that my colleagues in this body have over and over talked to us about how important States rights are. Yet, in this area, somehow or another we cannot seem to justify allowing States to make their own decisions about whether they want a Megan's law or do not want a Megan's law. All of a sudden, the Big Brother Government must direct the States to do something that is not even necessarily a Federal issue. So those two things lead me to encourage my colleagues to stand up for our Constitution and stand up for States rights and oppose this bill.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, there is no greater crime, I do not believe, than a child that has been molested, perhaps killed, or not killed but sexually molested by somebody else. I had a woman in my district talk to me in tears about her 9-year-old that was raped. Thank goodness he was convicted. He is now serving in Jackson Prison. But he is going to get out. The experts say that he is going to do it again and again and again.

However, when he gets out, I want a law like Megan's law, so whether he goes to St. Joe or Kalamazoo or South Bend, anyplace else, the victim, the family, the police, the community are going to be able to watch him forever. He is going to have a tattoo on his head that is going to be there forever.

Mr. Speaker, last year I had two little boys, sons of migrant workers from Texas, in my district who were stolen allegedly by a sexual molester, because he has not been convicted yet I use the word allegedly, out from Iowa, picked them up in the twin cities in Michigan; and thank goodness, because it was a nationwide case and CNN and ABC News and "Good Morning America" had his picture, they found him in New Orleans. I do not want that to happen again to that family.

Something like this that, thank goodness, a number of States have passed on their own, ought to be a national law. That is why I rise in support, to make sure that we will take whatever step we can, so no family will ever have it happen to them as it has happened to people in my district.

Mr. Speaker, I would urge all of my colleagues on both sides of the aisle to vote for a very strong bipartisan bill so we can try and end this terrible human tragedy that, unfortunately, strikes far too many Americans.

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

Mr. Speaker, I would simply like to close the debate on this side by com-

menting again about how thankful I am that the gentleman from New Jersey [Mr. ZIMMER] saw fit to produce this piece of legislation. Contrary to what some have said about it earlier, this is not a mandate on the States. This is a provision typically that we try to do in the underlying legislation that is already law to encourage the States to do these things that we think they need to do as a group to fight such types of crimes as we have in the case of those who commit violence against children, especially sexual crimes, by holding the carrot out of money that they may receive of Federal largesse that they otherwise would not receive.

I think this is a very good corrective measure. It will require, rather than simply permit, local jurisdictions in cases where there is, indeed, a necessity to do so, to notify those in the community that somebody who has been a convicted sexual predator is being released. I again thank the gentleman from New Jersey, who authored this legislation. I have been pleased to produce it out of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. RAMSTAD. Mr. Speaker, as the author of the Jacob Wetterling Crimes Against Children Act, which became law in 1994, I am grateful we are voting today to pass a bill to make it even stronger.

The Wetterling Act was named after Jacob Wetterling, who was abducted by a stranger at gunpoint in St. Joseph, MN, in 1989. Jacob's parents, Patty and Jerry, worked tirelessly to help me pass the Wetterling Act.

The Wetterling Act provides for the registration of convicted child sex offenders and violent sexual predators. This national tracking requirement was needed because of the propensity of these offenders to repeat their heinous crimes again and again after their release from prison. Some States—like my home State of Minnesota—already provided for sex offender registration, but many offenders simply moved to another State and avoided detection.

The children of America and their families needed the Wetterling Act to protect them from those who prey on children. Every major law enforcement organization asked for it as a resource for investigating child abduction and molestation cases.

Under the Wetterling bill, law enforcement was allowed to notify the community when the dangerous offenders required to register under the Wetterling Act were released and living in the area. The bill we are considering today, Megan's Law, will require community notification.

I strongly support this strengthening of the Wetterling Act, to make our communities a safer place for our kids to grow up.

Ms. DUNN of Washington. Mr. Speaker, quite frankly H.R. 2137 must be enacted immediately. We must not delay one day longer. My struggle to strengthen the laws to protect victims and communities from sexually violent predators started in the 103d Congress when Senator GORTON and I began work on including Washington State's sexual predator law into the 1994 crime bill. The tragic and highly publicized 1994 rape and murder of 7-year-Megan Kanka in New Jersey, the victim of a

released sexual predator, unfortunately became the impetus for including sexual predator language in the 1994 crime bill. With Senator GORTON's help, Mr. ZIMMER and I were able to convince conferees to the crime bill to include community notification and registration of sexually violent predators.

Since the 1994 crime law enactment, many States have developed tracking programs that require convicted sexual predators to register with the local law enforcement agencies upon release and allow officials to notify local communities of their presence. Now, Mr. Speaker, it is time that we take this good law one step farther before we are shocked once again to hear of a needless death or crime committed by a violent sexual offender. Currently, communities may or may not be aware of a predator in their midst. That is wrong. We must alert the citizens when repeat sexually violent predators are in the area. H.R. 2137 will accomplish that by changing community notification from an option to a requirement.

Wouldn't you and your family like to know when a potential predator has moved in next door so that adequate steps could be taken to protect your family? American women and families deserve no less. Every time we hear of a crime committed by a sexual predator we feel fear and terror in the possibility that our own personal safety—or that of a loved one—is at risk. Our daily routine is monopolized by tension and anxiety: walking to our cars, sending our children off to school, or locking up the house at night. Of course, women feel the brunt of this anxiety because women are the targets of most repeat sexual predators. Nobody should have to live in fear. Congress can and must help target the crimes that cause us the worst fear. We can and must pass a law that will require notifying a community when a sexually violent predator has moved into the neighborhood. And we must pass it now.

Empowering families, women, and children with the knowledge that a potential threat is looming in their community enables them to take the necessary precautions to ensure that there are not second, third, or fourth victims. Communities must be forewarned when a sexual predator has moved in next door. That is why I support swift passage of H.R. 2137, a bill that will require law enforcement to notify communities of a sexual predator's presence. I urge my colleagues to do the same.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to be a cosponsor of H.R. 2137, Megan's Law and would urge his colleagues to support this bill.

This measure builds on an earlier law, also supported by this Member, that requires convicted sex offenders and kidnapers of children to register their addresses with law enforcement authorities for 10 years after their release from prison. Since such a high percentage of child abusers are repeat offenders, this registration requirement has been very helpful to police in solving crimes involving child abuse. However, the Jacob Wetterling law only permits States to release this information. Megan's law requires States to release this information to local law enforcement officials when a known criminal sex offender is released from prison and settles within their jurisdiction. States may also determine whether a criminal's personal information can be available to the general public.

Mr. Speaker, it is this Member's hope that this legislation will quickly become law in order

to provide better information to police, neighborhoods, and communities regarding the existence of convicted sex offenders which in turn should prevent crimes and protect citizens.

Ms. MOLINARI. Mr. Speaker, I would like to commend Mr. ZIMMER, Mr. MCCOLLUM, chairman of the Crime Subcommittee and Mr. HYDE, the distinguished chairman of the Judiciary Committee for introducing Megan's law. And on behalf of the children who will not be assaulted or killed and for the parents, who will not suffer their loss I would like to thank you for your hard work. This bill costs nothing, yet takes a step toward protecting something so valuable to every parent—the safety of their children.

Critics of this bill have argued that the bill unduly punishes offenders after they have paid their debt to society. What about the void and pain of the parents whose son or daughter became their victim? When are they finished paying? For those who oppose the bill, I ask you to envision the loss of your child. I ask you to feel the loss of your child to a ruthless criminal, who saw her as nothing more than an easy victim. I ask you to stand in the place of Maureen Kanka, the mother of 7-year-old Megan Kanka, who was kidnapped and murdered by a man who had twice been convicted of attacking children. The fact that he was released and allowed to roam the streets in and around young children, is nothing less than placing a wolf among lambs.

The danger of recidivism in sex crimes has been demonstrated, time and time again, unfortunately at the expense of another child. By requiring the registration of sex offenders, Congress is taking affirmative steps to alert, police and parents to dangers in their community, and above all preventing the assault, abduction, and murder of another youngster.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2137, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

INTERSTATE STALKING PUNISHMENT AND PREVENTION ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2980) to amend title 18, United States Code, with respect to stalking, as amended.

The Clerk read as follows:

H.R. 2980

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 "Interstate Stalking Punishment and Prevention Act of 1996".

SEC. 2. PUNISHMENT OF INTERSTATE STALKING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after section 2261 the following:

"§ 2261A. Interstate stalking

"Whoever travels across a State line or within the special maritime and territorial jurisdiction of the United States with the intent to injure or harass another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 1365(g)(3) of this title) to, that person or a member of that person's immediate family (as defined in section 115 of this title) shall be punished as provided in section 2261 of this title."

(b) CONFORMING AMENDMENTS.—

(1) Section 2261(b) of title 18, United States Code, is amended by inserting "or section 2261A" after "this section".

(2) Sections 2261(b) and 2262(b) of title 18, United States Code, are each amended by striking "offender's spouse or intimate partner" each place it appears and inserting "victim".

(3) The chapter heading for chapter 110A of title 18, United States Code, is amended by inserting "AND STALKING" after "VIOLENCE".

(4) The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking

"110A. Domestic violence 2261" and inserting:

"110A. Domestic violence and stalking 2261".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by inserting after the item relating to section 2261 the following new item:

"2261A. Interstate stalking."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Speaker, in the 1994 crime bill, Congress established a new Federal offense aimed at stalkers of current or former spouses or intimate partners. This offense did not address cases in which the victim was unrelated to the stalker.

In H.R. 2980, the Interstate Stalking Punishment and Prevention Act of 1986, this insufficiency is addressed. This bill establishes a new Federal crime for crossing a State line or otherwise entering Federal jurisdiction for the purpose of injuring or harassing another person when such action places a person in reasonable fear of bodily harm.

This bill does not generally federalize the offense of stalking. Rather, it ensures that this crime of stalking is given force and effect in all areas clearly within the responsibility of the Federal Government. The authorized penalties under this bill are the same as those provided for in the current interstate domestic violence offense.

Once a stalker has selected a victim, the pursuit can be a full-time occupation. In some cases victims have had to move to a new residence, at times to a new State, to escape their tormentors, and even at times moving to a new State does not give the relief that is sought. Mr. Speaker, I would suggest