

# IMPROVING ACCESS TO PHYSICIANS IN MEDICALLY UNDERSERVED AREAS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4858.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4858, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 7, not voting 20, as follows:

[Roll No. 254]

YEAS—407

Abercrombie	Cox	Gutierrez
Ackerman	Coyne	Gutierrez
Aderholt	Cramer	Hall (OH)
Akin	Crane	Hall (TX)
Allen	Crenshaw	Hansen
Andrews	Crowley	Harman
Armey	Cubin	Hart
Baca	Culberson	Hastings (FL)
Bachus	Cummings	Hastings (WA)
Baird	Cunningham	Hayes
Baker	Davis (CA)	Herger
Baldacci	Davis (FL)	Hill
Baldwin	Davis (IL)	Hilleary
Ballenger	Davis, Tom	Hinchee
Barcia	Deal	Hobson
Barr	DeFazio	Hoefel
Barrett	DeGette	Hoekstra
Bartlett	Delahunt	Holden
Barton	DeLauro	Holt
Bass	DeLay	Honda
Becerra	DeMint	Hooley
Bentsen	Deutsch	Horn
Bereuter	Diaz-Balart	Hostettler
Berkley	Dicks	Houghton
Berman	Dingell	Hoyer
Berry	Doggett	Hulshof
Biggert	Dooley	Hunter
Bishop	Doolittle	Hyde
Blumenauer	Doyle	Inslee
Blunt	Dreier	Isakson
Boehlert	Dunn	Israel
Boehner	Edwards	Issa
Bonilla	Ehlers	Istook
Bono	Ehrlich	Jackson (IL)
Boozman	Emerson	Jackson-Lee
Borski	Engel	(TX)
Boswell	English	Jefferson
Boucher	Eshoo	John
Boyd	Etheridge	Johnson (CT)
Brady (PA)	Evans	Johnson (IL)
Brady (TX)	Farr	Johnson, E. B.
Brown (FL)	Fattah	Johnson, Sam
Brown (OH)	Ferguson	Jones (NC)
Brown (SC)	Filner	Jones (OH)
Bryant	Flake	Kanjorski
Burr	Fletcher	Kaptur
Burton	Foley	Keller
Buyer	Forbes	Kelly
Calvert	Ford	Kennedy (MN)
Camp	Frank	Kerns
Cannon	Frelinghuysen	Kildee
Cantor	Frost	Kilpatrick
Capito	Galleghy	Kind (WI)
Capps	Ganske	King (NY)
Capuano	Gekas	Kingston
Cardin	Gephardt	Kirk
Carson (IN)	Gibbons	Kleczka
Carson (OK)	Gilchrest	Knollenberg
Castle	Gillmor	Kolbe
Chabot	Gilman	Kucinich
Chambliss	Gonzalez	LaFalce
Clay	Goodlatte	LaHood
Clayton	Gordon	Lampson
Clement	Goss	Langevin
Clyburn	Graham	Lantos
Coble	Granger	Larsen (WA)
Collins	Graves	Latham
Combest	Green (TX)	LaTourette
Condit	Green (WI)	Leach
Cooksey	Greenwood	Lee
Costello	Grucchi	Levin

Lewis (GA)	Pascarell	Slaughter
Lewis (KY)	Pastor	Smith (MI)
Linder	Paul	Smith (NJ)
Lipinski	Payne	Smith (TX)
LoBiondo	Pelosi	Smith (WA)
Lofgren	Pence	Snyder
Lowe	Peterson (PA)	Solis
Lucas (KY)	Petri	Souder
Lucas (OK)	Phelps	Spratt
Luther	Pickering	Stark
Lynch	Pitts	Stenholm
Maloney (CT)	Platts	Strickland
Maloney (NY)	Pombo	Stump
Manzullo	Pomeroy	Stupak
Markey	Portman	Sullivan
Mascara	Price (NC)	Sununu
Matheson	Putnam	Sweeney
Matsui	Quinn	Tanner
McCarthy (MO)	Radanovich	Tauscher
McCarthy (NY)	Rahall	Tauzin
McCollum	Ramstad	Taylor (MS)
McCrery	Rangel	Taylor (NC)
McDermott	Regula	Terry
McGovern	Rehberg	Thomas
McHugh	Reyes	Thompson (CA)
McInnis	Reynolds	Thompson (MS)
McIntyre	Rivers	Thornberry
McKeon	Rodriguez	Thune
McKinney	Roemer	Thurman
McNulty	Rogers (KY)	Tiahrt
Meehan	Rogers (MI)	Tiberi
Meek (FL)	Rohrabacher	Tierney
Menendez	Ros-Lehtinen	Toomey
Mica	Ross	Towns
Millender	Rothman	Turner
McDonald	Roukema	Udall (CO)
Miller, Dan	Roybal-Allard	Udall (NM)
Miller, Gary	Royce	Upton
Miller, George	Rush	Velazquez
Miller, Jeff	Ryan (WI)	Visclosky
Mink	Ryun (KS)	Vitter
Mollohan	Sabo	Walden
Moore	Sanders	Walsh
Moran (KS)	Sandlin	Wamp
Moran (VA)	Sawyer	Waters
Morella	Saxton	Watkins (OK)
Murtha	Schaffer	Watson (CA)
Holt	Schakowsky	Watt (NC)
Myrick	Schiff	Waxman
Nadler	Schrock	Weiner
Napolitano	Scott	Weldon (FL)
Neal	Sensenbrenner	Weldon (PA)
Nethercutt	Serrano	Weller
Ney	Sessions	Wexler
Northup	Shadegg	Whitfield
Norwood	Shaw	Wicker
Nussle	Shays	Wilson (NM)
Oberstar	Obey	Wilson (SC)
Oblin	Sherman	Wolf
Oliver	Sherwood	Woolsey
Ortiz	Shimkus	Wu
Osborne	Shows	Wynn
Ose	Shuster	Young (AK)
Otter	Simmons	Young (FL)
Owens	Simpson	
Oxley	Skeen	
Pallone	Skelton	

NAYS—7

Bilirakis	Goode	Tancredo
Davis, Jo Ann	Hefley	
Duncan	Stearns	

NOT VOTING—20

Blagojevich	Hilliard	Peterson (MN)
Bonior	Hinojosa	Pryce (OH)
Callahan	Jenkins	Riley
Conyers	Kennedy (RI)	Sanchez
Everett	Larson (CT)	Trafficant
Fossella	Lewis (CA)	Watts (OK)
Hayworth	Meeks (NY)	

□ 1334

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall Nos. 253 and 254 I was unavoidably detained. Had I been present, I would have voted "yea."

## HAPPY BIRTHDAY JAY PIERSON

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

Mr. ARMEY. Mr. Speaker, we all appreciate the ladies and gentlemen that work for us and the staff on this floor. They are so helpful in so many ways, and I wonder if the Members would like to join me in wishing a very happy 55th birthday to a very special person, Jay Pierson, on this day.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM). Without objection, the Chair will continue 5-minute voting.

There was no objection.

## LIFETIME CONSEQUENCES FOR SEX OFFENDERS ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4679, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4679, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 3, not voting 22, as follows:

[Roll No. 255]

YEAS—409

Abercrombie	Brady (TX)	Davis (FL)
Ackerman	Brown (FL)	Davis (IL)
Aderholt	Brown (OH)	Davis, Jo Ann
Akin	Brown (SC)	Davis, Tom
Allen	Bryant	Deal
Andrews	Burr	DeFazio
Armey	Burton	DeGette
Baca	Buyer	Delahunt
Bachus	Calvert	DeLauro
Baird	Camp	DeLay
Baker	Cannon	DeMint
Baldacci	Cantor	Deutsch
Baldwin	Capito	Diaz-Balart
Ballenger	Capps	Dicks
Barcia	Capuano	Dingell
Barr	Cardin	Doggett
Barrett	Carson (IN)	Dooley
Bartlett	Carson (OK)	Doolittle
Barton	Castle	Doyle
Bass	Chabot	Dreier
Becerra	Chambliss	Duncan
Bentsen	Clay	Dunn
Bereuter	Clayton	Edwards
Berkley	Clement	Ehlers
Berman	Coble	Ehrlich
Berry	Collins	Emerson
Biggert	Combest	Engel
Bilirakis	Condit	English
Bishop	Conyers	Eshoo
Blumenauer	Cooksey	Etheridge
Blunt	Costello	Evans
Boehlert	Cox	Farr
Boehner	Coyne	Fattah
Bonilla	Cramer	Ferguson
Bonior	Crane	Filner
Bono	Crenshaw	Flake
Boozman	Crowley	Fletcher
Borski	Cubin	Foley
Boswell	Culberson	Forbes
Boucher	Cummings	Ford
Boyd	Cunningham	Frank
Brady (PA)	Davis (CA)	Frelinghuysen

Frost  
Gallegly  
Ganske  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gillman  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Grucci  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Harman  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hefley  
Herger  
Hill  
Hilleary  
Hinchey  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Honda  
Hooley  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hyde  
Inslee  
Isakson  
Israel  
Issa  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kerns  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Kirk  
Klecza  
Knollenberg  
Kolbe  
Kucinich  
LaHood  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)

Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Luther  
Lynch  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Markey  
Mascara  
Matheson  
Matsui  
McCarthy (MO)  
McCollum  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Menendez  
Mica  
Millender-  
McDonald  
Miller, Dan  
Miller, Gary  
Miller, George  
Miller, Jeff  
Mink  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Osborne  
Ose  
Otter  
Owens  
Oxley  
Pallone  
Pascarell  
Pastor  
Payne  
Pelosi  
Pence  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pombo  
Pomeroy  
Portman  
Price (NC)  
Putnam  
Quinn  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reyes  
Reynolds  
Rivers  
Rodriguez  
Roemer  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross

Rothman  
Roukema  
Roybal-Allard  
Royce  
Rush  
Ryan (WI)  
Ryun (KS)  
Sabo  
Sanders  
Sandlin  
Sawyer  
Saxton  
Schaffer  
Schakowsky  
Schiff  
Schrock  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shaw  
Shays  
Sherman  
Sherwood  
Shimkus  
Shows  
Shuster  
Simmons  
Simpson  
Skeen  
Skelton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stark  
Stearns  
Stenholm  
Strickland  
Stump  
Stupak  
Sullivan  
Sununu  
Sweeney  
Tancred  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Thune  
Thurman  
Tiahrt  
Tiberi  
Tierney  
Toomey  
Towns  
Turner  
Udall (NM)  
Upton  
Velazquez  
Visclosky  
Vitter  
Walden  
Walsh  
Wamp  
Waters  
Watkins (OK)  
Watson (CA)  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (AK)  
Young (FL)

## NOT VOTING—22

Blagojevich  
Callahan  
Clyburn  
Everett  
Fossella  
Hayworth  
Hilliard  
Hinojosa  
Horn  
Jenkins  
Kennedy (RI)  
LaFalce  
Lucas (OK)  
McCarthy (NY)  
Meeks (NY)  
Peterson (MN)  
Pryce (OH)  
Riley  
Sanchez  
Trafigant  
Udall (CO)  
Watts (OK)

□ 1344

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend title 18, United States Code, to provide a maximum term of supervised release of life for sex offenders."

A motion to reconsider was laid on the table.

□ 1345

## CHILD OBSCENITY AND PORNOGRAPHY PREVENTION ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4623) to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4623

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

*This Act may be cited as the "Child Obscenity and Pornography Prevention Act of 2002".*

## SEC. 2. FINDINGS.

*Congress finds the following:*

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under *Miller v. California*, 413 U.S. 15 (1973) (obscurity), or *New York v. Ferber*, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. "The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance," *New York v. Ferber*, 458 U.S. 747, 757 (1982) (emphasis added), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. *Osborne v. Ohio*, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. "[T]he most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product." *Ferber*, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided *Ferber*, the technology did not exist to: (A) create depictions of virtual children that are indistinguishable from depictions of real children; (B) create depictions of virtual children using compositions of real children to create an unidentifiable child; or (C) disguise pictures of real children being abused by making the image look computer generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer generated. The technology will soon exist, if it does not already, to make depictions of virtual children look real.

(6) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and/or related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse of real children. Nevertheless, technological advances since *Ferber* have led many criminal defendants to suggest that the images of child pornography they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges will likely increase after the *Ashcroft v. Free Speech Coalition* decision.

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic delineation may depend on the quality of the image scanned and the tools used to scan it.

(9) The impact on the government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in *Free Speech Coalition*. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) In the absence of congressional action, this problem will continue to grow increasingly worse. The mere prospect that the technology exists to create computer or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution, for it threatens to create a reasonable doubt in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable.

(11) To avoid this grave threat to the Government's unquestioned compelling interest in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

(12) The Supreme Court's 1982 *Ferber v. New York* decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary to ensure that open and notorious trafficking in such materials does not reappear.

## SEC. 3. IMPROVEMENTS TO PROHIBITION ON VIRTUAL CHILD PORNOGRAPHY.

(a) Section 2256(8)(B) of title 18, United States Code, is amended to read as follows:

NAYS—3

Nadler  
Scott  
Watt (NC)