

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	Gutknecht
Aderholt	Cramer	Hall (OH)
Akin	Crane	Hall (TX)
Allen	Crenshaw	Hansen
Andrews	Crowley	Harman
Armedy	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
Combust	Green (TX)	LaTourette
Condit	Green (WI)	Leach
Cooksey	Greenwood	Lee
Costello	Grucchi	Levin

Lewis (GA)	Pascrell
Lewis (KY)	Pastor
Linder	Paul
Lipinski	Payne
LoBiondo	Pelosi
LoFgren	Pence
Lowe	Peterson (PA)
Lucas (KY)	Petri
Lucas (OK)	Phelps
Luther	Pickering
Lynch	Pitts
Maloney (CT)	Platts
Maloney (NY)	Pombo
Manzullo	Pomeroy
Markey	Portman
Mascara	Price (NC)
Matheson	Putnam
Matsui	Quinn
McCarthy (MO)	Radanovich
McCarthy (NY)	Rahall
McCollum	Ramstad
McCrery	Rangel
McDermott	Regula
McGovern	Rehberg
McHugh	Reyes
McInnis	Reynolds
McIntyre	Rivers
McKeon	Rodriguez
McKinney	Roemer
McNulty	Rogers (KY)
Meehan	Rogers (MI)
Meek (FL)	Rohrabacher
Menendez	Ros-Lehtinen
Mica	Ross
Millender-	Rothman
McDonald	Roukema
Miller, Dan	Roybal-Allard
Miller, Gary	Royce
Miller, George	Rush
Miller, Jeff	Ryan (WI)
Mink	Ryun (KS)
Mollohan	Sabo
Moore	Sanders
Moran (KS)	Sandlin
Moran (VA)	Sawyer
Morella	Saxton
Murtha	Schaffer
Myrick	Schakowsky
Nadler	Schiff
Napolitano	Schrock
Neal	Scott
Nethercutt	Sensenbrenner
Ney	Serrano
Northup	Sessions
Norwood	Shadegg
Nussle	Shaw
Oberstar	Shays
Obey	Sherman
Oliver	Sherwood
Ortiz	Shimkus
Osborne	Shows
Ose	Shuster
Otter	Simmons
Owens	Simpson
Oxley	Skeen
Pallone	Skelton

NAYS—7

Bilirakis
Davis, Jo Ann
Duncan

Goode
Hefley
Stearns

Tancredo

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	Meeke (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
Armedy	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	Combust	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
Gilman
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
Hinchee
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Hostetler
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
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascarell
Pastor
Paul
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
Tancredo
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
Trafcant
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)