



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, MONDAY, DECEMBER 9, 2013

No. 173

House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. DENHAM).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 9, 2013.

I hereby appoint the Honorable JEFF DENHAM to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2013, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 1 minute p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOLF) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear Lord, we give You thanks for giving us another day.

At the beginning of a new workweek, we use this moment to be reminded of Your presence and to tap the resources needed by the Members of this people's House to do their work as well as it can be done.

May they be led by Your Spirit in the decisions they make. May they possess Your power as they steady themselves amid the pressures of persistent problems. May their faith in You deliver them from tensions that tear the House apart and from worries that might wear them out.

All this day and through the week, may they do their best to find solutions to pressing issues facing our Nation. Please hasten the day when justice and love shall dwell in the hearts of all peoples and rule the affairs of the nations of Earth.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. ROYBAL-ALLARD) come forward and lead the House in the Pledge of Allegiance.

Ms. ROYBAL-ALLARD led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was commu-

nicated to the House by Mr. Brian Pate, one of his secretaries.

THE GPS ACT

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

Mr. CHAFFETZ. Mr. Speaker, one of the big questions that stands before the Nation is: Are we going to give up all of our liberties in the name of security? And I think not.

Technology is great. It is supposed to make our lives better and simpler, more efficient, more effective. It is fun, it is innovative, and it is leading the world. But at the same time, we have got to make sure that these technologies are not overused, not only by our Federal Government officials in law enforcement, but also by others who would do us harm, who have surreptitiously maybe converted that technology to do something a little bit more pervasive and a little more perverse.

It is for that reason that Senator WYDEN, my colleague in the United States Senate, and I have introduced what is called H.R. 1312, the geolocation, or GPS Act, as we refer to it, to put some limits and curtail those that want to follow us without our own knowledge.

We believe that you should have to have a probable cause warrant in order to track somebody's geolocation. I want that for my own kids. I want that for me. I want to make sure that that technology is safe and secure.

So I encourage my colleagues, Mr. Speaker, to look at H.R. 1312, the GPS Act, to deal with these new inventions and technology in a reasonable way.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

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

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



Printed on recycled paper.

H7569

declares the House in recess until approximately 5 p.m. today.

Accordingly (at 2 o'clock and 4 minutes p.m.), the House stood in recess.

□ 1659

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MEADOWS) at 4 o'clock and 59 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

KILAH DAVENPORT CHILD PROTECTION ACT OF 2013

Mr. COLLINS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3627) To require the Attorney General to report on State law penalties for certain child abusers, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3627

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 "Kilah Davenport Child Protection Act of 2013".

SEC. 2. ATTORNEY GENERAL REPORT.

Not later than 180 days after the date of enactment of this Act, and again 3 years thereafter, the Attorney General shall publish and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the United States Senate a report on the penalties for violations of laws prohibiting child abuse in each of the 50 States, the District of Columbia, and each territory of the United States, including whether the laws of that State, District, or territory provides for enhanced penalties when the victim has suffered serious bodily injury, or permanent or protracted loss or impairment of any mental or emotional function.

SEC. 3. EXPANSION OF PREDICATE FOR INCREASED PENALTIES FOR CERTAIN DOMESTIC ASSAULTS.

Section 117(a)(1) of title 18, United States Code, is amended by inserting " , or against a child of or in the care of the person committing the domestic assault" after "intimate partner".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. COLLINS) and the gentleman from New York (Mr. JEFFRIES) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all

Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3627, currently under consideration.

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

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

The bill under consideration today, the Kilah Davenport Child Protection Act of 2013, is named after a young girl from North Carolina who was brutally beaten by her stepfather last year. Her stepfather was charged with felony child abuse and awaits trial. Kilah, who was only 3 years old at the time of the attack, will face a lifetime of brain damage and paralysis at the hands of someone who was supposed to love and protect her.

Stories like Kilah's are absolutely tragic, but they are not uncommon across our country. Approximately 3.5 million cases of child abuse involving 6 million children are reported every year in the United States. In my own State of Georgia, there were over 37,000 reports of child abuse and neglect with over 15,000 substantiated incidents of abuse in 2009 alone. And the rates of child abuse are even higher in Indian Country, where Indian children experience child abuse at a significantly higher rate than the rest of the population.

Adding to those and these tragedies is the fact that child abuse cases are not always reported and oftentimes not prosecuted with the same vigor as other crimes. Studies have found that charges are less likely to be filed against perpetrators in child abuse cases than most other felonies, and these cases have lower incarceration rates than other crimes.

H.R. 3627, introduced by Mr. PITTENGER of North Carolina, will help draw attention to how child abuse cases are handled across the country by requiring the Judiciary Department to issue reports on the criminal penalties for child abuse in the 50 States, the District of Columbia, and the U.S. territories.

This report focused on State statutes because most child abuse cases are handled at the State level. However, there are parts of the country where the Federal Government has an increased law enforcement role, such as including in Indian Country. H.R. 3627 helps to strengthen the Federal response to child abuse and other forms of domestic violence in Indian Country and the special maritime and territorial jurisdiction by amending 18 U.S.C., section 117 to allow prior convictions for the abuse of a child to trigger the offense of domestic assault by a habitual offender. This is a small but important change to the statute that will permit the Federal Government to prosecute more violent offenders.

I commend the gentleman from North Carolina (Mr. PITTENGER) for

drawing attention to the terrible crime of child abuse and encourage my colleagues to support this legislation.

With that, I reserve the balance of my time.

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

Today we rise to consider H.R. 3627, the Kilah Davenport Child Protection Act of 2013. This legislation is part of the continuing effort to stamp out the scourge of child abuse in our society.

According to the organization Childhelp, each year there are more than 3 million reports of child abuse in the United States. At least 6 million children are impacted on an annual basis. Every day an average of four to seven children die in this great country as a result of child abuse and neglect, and more than 78 percent of reported child fatalities resulting from abuse and neglect were caused by one or more of the victim's parents.

We must do everything in our power to change this sad reality. Our effort, of course, must be comprehensive and should include both robust criminal justice enforcement and parental education and prevention efforts. In other words, our approach should be balanced. Those who abuse children must understand that the consequences connected to their criminal behavior will be significant.

We must also aggressively take steps to prevent child victimization before it occurs. In doing so, we can mitigate the severe trauma of child abuse and simultaneously channel precious taxpayer resources away from the criminal justice system.

H.R. 3627 requires the Attorney General to issue a report regarding the penalties for violations of laws prohibiting child abuse in the 50 States, the District of Columbia, and U.S. territories. This report must consider, of course, whether those laws provide enhanced penalties when the victim has suffered serious bodily injury or permanent or protracted loss or impairment of any mental or emotional function, as occurred in this tragic case referred to in North Carolina. This reporting requirement is a good step toward helping Congress accurately evaluate the statutory landscape in the child abuse context and govern in a more informed fashion.

In addition, the legislation permits prior convictions for assault, sexual abuse, or serious violent felonies to be used to trigger additional penalties for habitual domestic abusers on Native American reservations and in special maritime and territorial jurisdictions. This trigger will better protect potential child abuse victims from repeat offenders.

For the above-referenced reasons, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, at this time, I yield as much time as he may consume to the gentleman from North Carolina (Mr. PITTENGER),