

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

H.R. 2146

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Two Strikes and You're Out Child Protection Act".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 3. CONFORMING AMENDMENT.

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

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

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SCOTT

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

The Clerk read as follows:

Amendment offered by Mr. SCOTT:

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

Page 4, after line 7 insert the following:

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

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

Redesignate succeeding sections accordingly.

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

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

There was no objection.

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

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

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