

released felons the safety net of counseling services for durations beyond a handful of years.

My fellow colleagues, we all deplore the destructive and revolting nature of sex crimes. Our Federal law enforcement agencies, our prosecutors, and our judges want and need tools like the one I propose today, to help combat these vile crimes. Let us take a positive step today for America's families and our children. I ask that you vote for H.R. 4679, the Lifetime Consequences for Sex Offenders Act of 2002.

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

Mr. Speaker, I would just point out that some of the cases, some of the situations that would be covered by this would be crossing State lines from Washington, D.C., to the Commonwealth of Virginia for the purposes of committing fornication. That would be a crime for which, that is, two consenting adults, that would be a crime for which you could be subjected to lifetime supervision and a violation of which could put you in jail for violating the provision of your supervision.

The bill needs to be narrowed to cover the kind of cases we are talking about; and for that reason the bill should be opposed, the motion to suspend the rules should be opposed so that we could have a situation where we could actually amend the bill to cover those acts which we are actually trying to cover.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime, Terrorism and Homeland Security of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for yielding me time.

Mr. Speaker, H.R. 4679, The Lifetime Consequences for Sex Offenders Act of 2002, was introduced by the gentleman from Pennsylvania (Mr. GEKAS) and allows Federal judges to include, as part of the sentence of a convicted sex offender, a term of supervised release for any period of time. The court can end the term of supervised release and discharge the defendant at any time after 1 year if the court is satisfied that such action is warranted by the conduct of the defendant and serves the interest of justice.

Studies have shown that sex offenders are four times more likely than other violent criminals to recommit their crimes. Moreover, recidivism rates do not appreciably decline as the offender ages.

According to the United States Department of Justice's Bureau of Justice Statistics, since 1980 the number of prisoners sentenced for violent sexual assault other than rape has increased 15 percent each year, faster than any other category of violent crime.

National data also indicates that sex offenders are apprehended for only a fraction of the crimes they actually commit. In fact, in some estimates only one in five serious sex offenses are reported to authorities and only 3 percent of such crimes result in the apprehension of an offender.

By passing this legislation, we will give judges the discretion necessary to impose a term of supervised release that is appropriate for each defendant. Authorities will be able to monitor those sex offenders who pose the greatest threat to our society for as long as the court feels they are a danger to society.

Mr. Speaker, there is nothing mandatory about this bill. If a judge decides that supervision is not necessary, then there is no requirement to impose any term of supervised release. But it is mandatory that Congress pass this legislation if we are to deter criminals from committing these terrifying crimes.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think the definition and the explanation of this bill has been well made by the previous speakers. I would like to focus on I think a singular and important point that the gentleman from Virginia (Mr. SCOTT) has made.

There is no doubt in my continued support on the floor of the House for legislation that deals with penalizing, if you will, those who would prey upon children and those who would act criminally with respect to sex acts as it impacts the victims, both women and children and others.

I have always been one that believes that there is more work to be done in protecting the public from those that would be predators as it relates to sexual offenses and, as well, crimes against children. We have to look no further than our television screen right now and the debate or the information coming out of Utah on the missing young Smart girl as well as the long list of missing children and exploited children to know that this is the work we should be doing. But I believe the distinguished gentleman from Virginia (Mr. SCOTT) has a very valid point, and it should be addressed, and I really wish we had the opportunity to have had this legislation go through the Committee on Rules.

There is no emergency that would not have allowed us, again, to look at this legislation for its best effectiveness. There is no reason to not provide guidelines so that we can be assured that the legislation attacks the problem that we want it to attack, and that is the violent and, if you will, repeat and vicious offenders, sex offenders who would go after and prey upon innocent victims.

It means that there should be a sense of tolerance, however, for those who

otherwise could be rehabilitated or that the offenses do not meet the test. We are simply asking that you allow guidelines to be utilized so that you can distinguish between potential for misdemeanors, consensual sexual conduct or if something occurred between two teenagers in the course of their interaction. This is what I believe, Mr. Speaker, the key is on this legislation, to be able to have a guideline to make this better legislation.

I would hope the gentleman would have the opportunity to have this legislation assessed and that our colleagues would look at putting an amendment in that deals with putting in guidelines for this legislation.

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

Mr. Speaker, in closing, I would just again state that someone in Washington, D.C., crossing the line to go to the Commonwealth of Virginia to commit fornication, two consenting adults, if caught, could be subjected to lifetime supervision. I do not think that is the kind of case the supporters of the bill were talking about.

We ought to bring this bill up in a forum where one could amend it to take those kind of situations out, and for that reason the motion to suspend the rules ought to be defeated.

Mr. PAUL. Mr. Speaker, the policy behind H.R. 4679, the Lifetime Consequences for Sex Offenders Act, is unobjectionable. Given the high rates of recidivism among sex criminals, it is certainly legitimate to take steps to reduce the likelihood that a paroled sex criminal will commit further crimes. In fact, given the likelihood that a sex offender will attempt to commit another sex crime, it is reasonable to ask why rapists and child molesters are not simply imprisoned for life?

However, Mr. Speaker, questions of the proper punishment for sexual crimes are not issues properly under federal jurisdiction. The Constitution grants the federal government jurisdiction over only three crimes: treason, counterfeiting, and piracy. It is hard to stretch the definition of treason, counterfeiting, or piracy to include sex crimes. Therefore, even though I agree with the policy behind H.R. 4679, I must remind my colleagues that the responsibility for investigating, prosecuting and punishing sex crimes is solely that of state and local governments.

We have been reminded by both Chief Justice William H. Rehnquist and former U.S. Attorney General Ed Meese that more federal crimes, while they make politicians feel good, are neither constitutionally sound nor prudent. Rehnquist has stated that "The trend to federalize crimes that traditionally have been handled in state courts . . . threatens to change entirely the nature of our federal system." Meese stated that Congress' tendency in recent decades to make federal crimes out of offenses that have historically been state matters has dangerous implications both for the fair administration of justice and for the principle that states are something more than mere administrative districts of a nation governed mainly from Washington.

In conclusion, Mr. Speaker, while I am in fundamental agreement with the policies expressed in H.R. 4679, the Lifetime Consequences for Sex Offenders Act, I must remind my colleagues that this is an area over which Congress has no constitutional responsibility. I hope my colleagues will join me in restoring state and local government's constitutional authority over criminal activities not related to treason, piracy, and counterfeiting.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUINN). 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.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1300

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). Pursuant to clause 8 of rule XX, the Chair will now put the question on the approval of the Journal and then on motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

Approving the Journal, de novo;

H.R. 4858, by the yeas and nays;

H.R. 4679, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question on agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 40, answered “present” 2, not voting 21, as follows:

[Roll No. 253]

YEAS—371

Abercrombie	Doggett	Keller
Ackerman	Dooley	Kelly
Aderholt	Doolittle	Kennedy (RI)
Akin	Doyle	Kerns
Allen	Dreier	Kildee
Andrews	Duncan	Kilpatrick
Armey	Dunn	Kind (WI)
Baca	Edwards	King (NY)
Bachus	Ehlers	Kingston
Baker	Ehrlich	Kirk
Baldacci	Emerson	Kleczka
Ballenger	Engel	Knollenberg
Barcia	Eshoo	LaFalce
Barr	Etheridge	LaHood
Barrett	Evans	Lampson
Bartlett	Farr	Langevin
Barton	Fattah	Lantos
Bass	Ferguson	Latham
Becerra	Flake	LaTourette
Bentsen	Fletcher	Leach
Bereuter	Foley	Lee
Berkley	Forbes	Levin
Berman	Ford	Lewis (CA)
Berry	Frank	Lewis (KY)
Biggert	Frelinghuysen	Linder
Bilirakis	Frost	Lipinski
Bishop	Gallegly	Lofgren
Blumenauer	Ganske	Lowe
Blunt	Gekas	Lucas (KY)
Boehler	Gephardt	Lucas (OK)
Boehner	Gibbons	Luther
Bonilla	Gilchrest	Lynch
Bono	Gillmor	Maloney (CT)
Boozman	Gilman	Maloney (NY)
Boswell	Gonzalez	Manzullo
Boucher	Goode	Markey
Boyd	Goodlatte	Mascara
Brady (TX)	Gordon	Matheson
Brown (FL)	Goss	Matsui
Brown (OH)	Graham	McCarthy (MO)
Brown (SC)	Granger	McCarthy (NY)
Bryant	Graves	McCollum
Burr	Green (TX)	McCreery
Burton	Green (WI)	McGovern
Buyer	Greenwood	McHugh
Calvert	Grucci	McInnis
Camp	Gutierrez	McIntyre
Cannon	Hall (OH)	McKeon
Cantor	Hall (TX)	McKinney
Capito	Hansen	Meehan
Capps	Harman	Menendez
Capuano	Hastings (WA)	Mica
Cardin	Hayes	Millender-McDonald
Carson (OK)	Herger	Miller, Dan
Castle	Hill	Miller, Gary
Chabot	Hilleary	Miller, Jeff
Chambliss	Hinche	Mink
Clayton	Hobson	Mollohan
Clement	Hoeffel	Moran (KS)
Clyburn	Hoekstra	Moran (VA)
Coble	Holden	Morella
Collins	Honda	Murtha
Combest	Hooley	Myrick
Cooksey	Horn	Nadler
Cox	Hostettler	Napolitano
Coyne	Houghton	Neal
Cramer	Hoyer	Nethercutt
Crenshaw	Hulshof	Ney
Crowley	Hunter	Northup
Cubin	Hyde	Norwood
Culberson	Inslee	Nussle
Cummings	Isakson	Obey
Cunningham	Israel	Ortiz
Davis (CA)	Issa	Osborne
Davis (FL)	Istook	Ose
Davis (IL)	Jackson (IL)	Otter
Davis, Jo Ann	Jackson-Lee	Owens
Davis, Tom	(TX)	Oxley
Deal	Jefferson	Pallone
DeGette	John	Pascarell
Delahunt	Johnson (CT)	Pastor
DeLauro	Johnson (IL)	Paul
DeLay	Johnson, E. B.	Payne
DeMint	Johnson, Sam	Pelosi
Deutsch	Jones (NC)	Pence
Diaz-Balart	Jones (OH)	Peterson (PA)
Dicks	Kanjorski	Petri
Dingell	Kaptur	

Phelps	Schiff	Terry
Pickering	Schrock	Thomas
Pitts	Scott	Thornberry
Platts	Sensenbrenner	Thune
Pombo	Serrano	Thurman
Pomeroy	Sessions	Tiahrt
Portman	Shadegg	Tiberti
Price (NC)	Shaw	Tierney
Putnam	Shays	Toomey
Quinn	Sherman	Towns
Radanovich	Sherwood	Turner
Rahall	Shimkus	Udall (CO)
Rangel	Shows	Upton
Regula	Shuster	Velazquez
Rehberg	Simmons	Vitter
Reyes	Simpson	Walden
Reynolds	Skeen	Walsh
Rivers	Skelton	Wamp
Rodriguez	Slaughter	Watkins (OK)
Roemer	Smith (MI)	Watson (CA)
Rogers (KY)	Smith (NJ)	Watt (NC)
Rogers (MI)	Smith (TX)	Waxman
Rohrabacher	Smith (WA)	Weiner
Ros-Lehtinen	Snyder	Weldon (FL)
Ross	Solis	Weldon (PA)
Rothman	Souder	Wexler
Roukema	Spratt	Whitfield
Roybal-Allard	Stark	Wicker
Royce	Stearns	Wilson (NM)
Rush	Stenholm	Wilson (SC)
Ryan (WI)	Stump	Wolf
Ryun (KS)	Sullivan	Woolsey
Sanders	Sununu	Wynn
Sandlin	Tanner	Young (AK)
Sawyer	Tauscher	Young (FL)
Saxton	Tauzin	
Schakowsky	Taylor (NC)	

NAYS—40

Baird	Hefley	Sabo
Baldwin	Holt	Strickland
Borski	Kennedy (MN)	Stupak
Brady (PA)	Kucinich	Sweeney
Clay	Larsen (WA)	Taylor (MS)
Condit	Lewis (GA)	Thompson (CA)
Costello	LoBiondo	Thompson (MS)
Crane	McDermott	Udall (NM)
DeFazio	McNulty	Visclosky
English	Miller, George	Waters
Filner	Moore	Weller
Gutknecht	Oberstar	Wu
Hart	Olver	
Hastings (FL)	Ramstad	

ANSWERED “PRESENT”—2

Carson (IN) Tancredo

NOT VOTING—21

Blagojevich	Hilliard	Peterson (MN)
Bonior	Hinojosa	Pryce (OH)
Callahan	Jenkins	Riley
Conyers	Kolbe	Sanchez
Everett	Larson (CT)	Schaffer
Fossella	Meek (FL)	Trafficant
Hayworth	Meeks (NY)	Watts (OK)

□ 1324

Mr. WU changed his vote from “yea” to “nay.”

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. KOLBE. Mr. Speaker, earlier today, I was unavoidably detained and missed a vote on approving the Journal. Had I voted, I would have voted “yea” on this vote (No. 253).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM). Pursuant to clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time for electronic voting on motions to suspend the rules on which the Chair has postponed further proceedings.