AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

108TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPT. 108–47
Part 1

CHILD ABDUCTION PREVENTION ACT

MARCH 24, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted the following

R E P O R T

together with

DISSENTING AND MINORITY VIEWS

[To accompany H.R. 1104]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1104) to prevent child abduction, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

	Page
The Amendment	1
Purpose and Summary	8
Background and Need for the Legislation	9
Hearings	10
Committee Consideration	10
Vote of the Committee	10
Committee Oversight Findings	11
Performance Goals and Objectives	12
New Budget Authority and Tax Expenditures	12
Congressional Budget Office Cost Estimate	12
Constitutional Authority Statement	15
Section-by-Section Analysis and Discussion	15
Changes in Existing Law Made by the Bill, as Reported	20
Committee Jurisdiction Letters	33
Markup Transcript	38
Dissenting Views	103
Minority Views	109

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Abduction Prevention Act".

TITLE I—SANCTIONS AND OFFENSES

SEC. 101. SUPERVISED RELEASE TERM FOR SEX OFFENDERS.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (e)(3), by inserting "on any such revocation" after "required to serve";

(2) in subsection (h), by striking "that is less than the maximum term of imprisonment authorized under subsection (e)(3)"; and

(3) by adding at the end the following:

"(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years or life, and the sentence for any such offense that is a felony shall include a term of supervised release of at least 5 years.".

SEC. 102. FIRST DEGREE MURDER FOR CHILD ABUSE AND CHILD TORTURE MURDERS.

Section 1111 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "child abuse," after "sexual abuse,"; and

(B) by inserting "or perpetrated as part of a pattern or practice of assault or torture against a child or children;" after "robbery;"; and

(2) by inserting at the end the following:

"(c) For purposes of this section—

"(1) the term 'assault' has the same meaning as given that term in section 113;

"(2) the term 'child' means a person who has not attained the age of 18 years and is—

"(A) under the perpetrator's care or control; or

"(B) at least six years younger than the perpetrator;

"(3) the term 'child abuse' means intentionally, knowingly, or recklessly causing death or serious bodily injury to a child;

"(4) the term 'pattern or practice of assault or torture' means assault or torture engaged in on at least two occasions;

"(5) the term 'recklessly' with respect to causing death or serious bodily injury—

"(A) means causing death or serious bodily injury under circumstances in which the perpetrator is aware of and disregards a grave risk of death or serious bodily injury; and

"(B) such recklessness can be inferred from the character, manner, and circumstances of the perpetrator's conduct;

"(6) the term 'serious bodily injury' has the meaning set forth in section 1365; and

"(7) the term 'torture' means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).".

SEC. 103. SEXUAL ABUSE PENALTIES.

(a) MAXIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking "20" and inserting "30"; and

(ii) by striking "30" the first place it appears and inserting "50";

(B) in section 2252(b)(1)—

(i) by striking "15" and inserting "20"; and

(ii) by striking "30" and inserting "40";

(C) in section 2252(b)(2)—

(i) by striking "5" and inserting "10"; and

(ii) by striking "10" and inserting "20";

(D) in section 2252A(b)(1)—

(i) by striking "15" and inserting "20"; and

(ii) by striking "30" and inserting "40"; and

(E) in section 2252A(b)(2)—

(i) by striking "5" and inserting "10"; and

(ii) by striking "10" and inserting "20".

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a), by striking "10" and inserting "20";
(B) in section 2422(b), by striking "15" and inserting "30"; and
(C) in section 2423(a), by striking "15" and inserting "30".

(3) Section 1591(b)(2) of title 18, United States Code, is amended by striking "20" and inserting "40".

(b) MINIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—
(i) by striking "or imprisoned not less than 10" and inserting "and imprisoned not less than 15";
(ii) by striking "and both,";
(iii) by striking "15" and inserting "25"; and
(iv) by striking "30" the second place it appears and inserting "35";
(B) in section 2251A(a) and (b), by striking "20" and inserting "30";
(C) in section 2252(b)(1)—
(i) by striking "or imprisoned" and inserting "and imprisoned not less than 10 years and";
(ii) by striking "or both,"; and
(iii) by striking "5" and inserting "15";
(D) in section 2252(b)(2)—
(i) by striking "or imprisoned" and inserting "and imprisoned not less than 5 years and";
(ii) by striking "or both,"; and
(iii) by striking "2" and inserting "10";
(E) in section 2252A(b)(1)—
(i) by striking "or imprisoned" and inserting "and imprisoned not less than 10 years and";
(ii) by striking "or both,"; and
(iii) by striking "5" and inserting "15"; and
(F) in section 2252A(b)(2)—
(i) by striking "or imprisoned" and inserting "and imprisoned not less than 5 years and";
(ii) by striking "or both,"; and
(iii) by striking "2" and inserting "10".

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a)—
(i) by striking "or imprisoned" and inserting "and imprisoned not less than 2 years and"; and
(ii) by striking ", or both";
(B) in section 2422(b)—
(i) by striking ", imprisoned" and inserting "and imprisoned not less than 5 years and"; and
(ii) by striking ", or both"; and
(C) in section 2423(a)—
(i) by striking ", imprisoned" and inserting "and imprisoned not less than 5 years and"; and
(ii) by striking ", or both".

SEC. 104. STRONGER PENALTIES AGAINST KIDNAPPING.

(a) SENTENCING GUIDELINES.—Notwithstanding any other provision of law regarding the amendment of Sentencing Guidelines, the United States Sentencing Commission is directed to amend the Sentencing Guidelines, to take effect on the date that is 30 days after the date of the enactment of this Act—

(1) so that the base level for kidnapping in section 2A4.1(a) is increased from level 24 to level 32 (121–151 months);
(2) so as to delete section 2A4.1(b)(4)(C); and
(3) so that the increase provided by section 2A4.1(b)(5) is 6 levels instead of 3.

(b) MINIMUM MANDATORY SENTENCE.—Section 1201(g) of title 18, United States Code, is amended by striking "shall be subject to paragraph (2)" in paragraph (1) and all that follows through paragraph (2) and inserting "shall include imprisonment for not less than 20 years.".

SEC. 105. PENALTIES AGAINST SEX TOURISM.

(a) IN GENERAL.—Section 2423 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.—A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual

conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

"(c) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

"(d) ANCILLARY OFFENSES.—Whoever arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

"(e) ATTEMPT AND CONSPIRACY.—Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

"(f) DEFINITION.—As used in this section, the term 'illicit sexual conduct' means (1) a sexual act (as defined in section 2246) with a person that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person who has not attained the age of 18 years.

"(g) DEFENSE.—In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.".

(b) CONFORMING AMENDMENT.—Section 2423(a) of title 18, United States Code, is amended by striking "or attempts to do so,".

SEC. 106. TWO STRIKES YOU'RE OUT.

(a) IN GENERAL.—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), 2244(a)(1) or (2) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), 2251 (relating to sexual exploitation of children), 2251A (relating to selling or buying of children), or 2422(b) (relating to coercion and enticement of a minor into prostitution); 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).".

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

SEC. 107. ATTEMPT LIABILITY FOR INTERNATIONAL PARENTAL KIDNAPPING.

Section 1204 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ", or attempts to do so," before "or retains"; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting "or the Uniform Child Custody Jurisdiction and Enforcement Act" before "and was"; and

(B) in paragraph (2), by inserting "or" after the semicolon.

TITLE II—INVESTIGATIONS AND PROSECUTIONS

Subtitle A—Law Enforcement Tools To Protect Children

SEC. 201. INTERCEPTIONS OF COMMUNICATIONS IN INVESTIGATIONS OF SEX OFFENSES.

(a) IN GENERAL.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (a), by inserting after "chapter 37 (relating to espionage)," the following: "chapter 55 (relating to kidnapping),"; and

(2) in paragraph (c)—

(A) by inserting "1591 (sex trafficking)," before "section 1751";

(B) by striking "2251 and 2252 (sexual exploitation of children)" and inserting "2251, 2251A, 2252, 2252A, and 2260 (sexual exploitation of children)"; and

(C) by inserting "sections 2421, 2422, 2423, and 2425 (transportation for illegal sexual activity and related crimes)," before "section 1029".

(b) TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY.—Section 2516(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (q);

(2) by inserting after paragraph (q) the following:

"(r) a violation of section 2422 (relating to coercion and enticement) and section 2423(a) (relating to transportation of minors) of this title, if, in connection with that violation, the intended sexual activity would constitute a felony violation of chapter 109A or 110, including a felony violation of chapter 109A or 110 if the sexual activity occurred, or was intended to occur, within the special maritime and territorial jurisdiction of the United States, regardless of where it actually occurred or was intended to occur; or"; and

(3) by redesignating paragraph (r) as paragraph (s).

SEC. 202. NO STATUTE OF LIMITATIONS FOR CHILD ABDUCTION AND SEX CRIMES.

(a) IN GENERAL.—(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 3297. Child abduction and sex offenses

"Notwithstanding any other provision of law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3297. Child abduction and sex offenses.".

(b) APPLICATION.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section.

Subtitle B—No Pretrial Release for Those Who Rape or Kidnap Children

SEC. 221. NO PRETRIAL RELEASE FOR THOSE WHO RAPE OR KIDNAP CHILDREN.

Section 3142(e) of title 18, United States Code, is amended by striking "or 2332b" and inserting "1201, 1591, 2241, 2242, 2244(a)(1), 2242(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2332b, 2421, 2422, 2423, or 2425".

Subtitle C—No Waiting Period To Report Missing Children "Suzanne's Law"

SEC. 241. AMENDMENT.

Section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)) is amended by striking "age of 18" and inserting "age of 21".

TITLE III—PUBLIC OUTREACH

SEC. 301. NATIONAL COORDINATION OF AMBER ALERT COMMUNICATIONS NETWORK.

(a) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) DUTIES.—In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;

(2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;

(3) work with States to ensure appropriate regional coordination of various elements of the network; and

(4) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts on abducted children through the network.

(c) CONSULTATION WITH FEDERAL BUREAU OF INVESTIGATION.—In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) COOPERATION.—The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

SEC. 302. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH AMBER ALERT COMMUNICATIONS NETWORK.

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

(1) the issuance of alerts through the AMBER Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—(1) The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the special needs of an abducted child (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(4) In carrying out activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) COOPERATION.—(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(2) The Coordinator shall also cooperate with local broadcasters and State and local law enforcement agencies in establishing minimum standards under this section.

SEC. 303. GRANT PROGRAM FOR NOTIFICATION AND COMMUNICATIONS SYSTEMS ALONG HIGHWAYS FOR RECOVERY OF ABDUCTED CHILDREN.

(a) PROGRAM REQUIRED.—The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

(b) DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State under this subsection for the development of a State program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. The State program shall provide for the planning, coordination, and design of systems, protocols, and message sets that support the coordination and communication necessary to notify motorists about abductions of children.

(2) ELIGIBLE ACTIVITIES.—A grant under this subsection may be used by a State for the following purposes:

(A) To develop general policies and procedures to guide the use of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(B) To develop guidance or policies on the content and format of alert messages to be conveyed on changeable message signs or other traveler information systems.

(C) To coordinate State, regional, and local plans for the use of changeable message signs or other transportation related issues.

(D) To plan secure and reliable communications systems and protocols among public safety and transportation agencies or modify existing communications systems to support the notification of motorists about abductions of children.

(E) To plan and design improved systems for communicating with motorists, including the capability for issuing wide area alerts to motorists.

(F) To plan systems and protocols to facilitate the efficient issuance of child abduction notification and other key information to motorists during off-hours.

(G) To provide training and guidance to transportation authorities to facilitate appropriate use of changeable message signs and other traveler information systems for the notification of motorists about abductions of children.

(c) IMPLEMENTATION GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State under this subsection for the implementation of a program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. A State shall be eligible for a grant under this subsection if the Secretary determines that the State has developed a State program in accordance with subsection (b).

(2) ELIGIBLE ACTIVITIES.—A grant under this subsection may be used by a State to support the implementation of systems that use changeable message signs or other motorist information systems to notify motorists about abductions of children. Such support may include the purchase and installation of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(d) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.

(e) DISTRIBUTION OF GRANT AMOUNTS.—The Secretary shall, to the maximum extent practicable, distribute grants under this section equally among the States that apply for a grant under this section within the time period prescribed by the Secretary.

(f) ADMINISTRATION.—The Secretary shall prescribe requirements, including application requirements, for the receipt of grants under this section.

(g) DEFINITION.—In this section, the term "State" means any of the 50 States, the District of Columbia, or Puerto Rico.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for fiscal year 2004. Such amounts shall remain available until expended.

(i) STUDY OF STATE PROGRAMS.—

(1) STUDY.—The Secretary shall conduct a study to examine State barriers to the adoption and implementation of State programs for the use of communications systems along highways for alerts and other information for the recovery of abducted children.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with any recommendations the Secretary determines appropriate.

SEC. 304. GRANT PROGRAM FOR SUPPORT OF AMBER ALERT COMMUNICATIONS PLANS.

(a) PROGRAM REQUIRED.—The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans; and

(3) such other activities as the Attorney General considers appropriate for supporting the AMBER Alert communications program.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Justice $5,000,000 for fiscal year 2004 to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 305. INCREASED SUPPORT.

Section 404(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5773(b)(2)) is amended by inserting "and $20,000,000 for each of fiscal years 2004 and 2005" after "and 2003".

SEC. 306. SEX OFFENDER APPREHENSION PROGRAM.

Section 1701(d) of part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) by redesignating paragraphs (10) and (11) as (11) and (12), respectively; and

(2) by inserting after paragraph (9) the following:

"(10) assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply;".

PURPOSE AND SUMMARY

On average, 2,200 children are reported missing each day of the year. There are approximately 114,600 attempted stranger abductions every year and 3,000 to 5,000 attempts are successful. These facts and recent high profile abductions have significantly increased the fear of parents across the Nation that their children are in danger. H.R. 1104, the "Child Abduction Prevention Act" sends a clear message to any potential child abductor that, should they commit these crimes, they will not escape justice. This legislation provides stronger penalties against kidnapping, ensures lifetime supervision of sexual offenders and kidnappers of children, gives law enforcement the tools it needs to effectively prosecute these crimes, and provides assistance to the community when a child is abducted.

BACKGROUND AND NEED FOR THE LEGISLATION

According to the United States Department of Justice (DOJ), Office of Juvenile Justice Deliquency Prevention (OJJDP), the number of missing persons reported to law enforcement has increased from 154,341 in 1982 to 876,213 in 2000, an increase of 468 percent. Out of those cases, there are about 3,000 to 5,000 non-family abductions reported to police each year, most of which are short term sexually-motivated cases. About 200 to 300 of these cases, or about 6 percent, make up the most serious cases where the child was murdered, ransomed or taken with the intent to keep. According to Federal Government statistics, three out of four children who are kidnapped and murdered are killed within 3 hours of their initial abduction. Research has shown that the average victim of abduction and murder is an approximately 11 year old girl from a stable family who has initial contact with the abductor within a quarter mile of her home.

The recent wave of high profile child abductions that has swept our Nation has illustrated the tremendous need for legislation in this area. Although some researchers indicate that the worst cases of child abduction might actually be on the decline, the National Center for Missing and Exploited Children (NCMEC) has stated that, based on feedback from law enforcement around the country and cases submitted to NCMEC, the sexual victimization of children is on the rise. Another concern is that research also indicates that subjects who abduct children typically are not first-time offenders, but are serial offenders who often travel during the commission of multiple sexual offenses against children.

An abducted child is a parent's worst nightmare. We must assure that law enforcement has every possible tool necessary to return that child safely to his or her parents. Authorities believe that promptly alerting the general public when a child is abducted by a stranger is crucial to saving their life. To accomplish this, H.R. 1104 authorizes funding for a voluntary national AMBER Alert program to help expand the child abduction communications warning network throughout the United States.

For those individuals that would harm a child, we must ensure that punishment is severe and that sexual predators are not allowed to slip through the cracks of the system to harm other children. To this end, this legislation provides a 20 year mandatory minimum sentence of imprisonment for stranger abductions of a child under the age of 18, lifetime supervision for sex offenders and mandatory life imprisonment for second time offenders. Furthermore, H.R. 1104 removes any statute of limitations and opportunity for pretrial release for crimes of child abduction and sex offenses.

The National Center for Missing and Exploited Children is the Nation's resource center for child protection. The Center provides assistance to parents, children, law enforcement, schools, and the community in recovering missing children and raising public awareness about ways to help prevent child abduction, molestation and sexual exploitation. To date, NCMEC has worked on more than 73,000 cases of missing and exploited children and helped recover more than 48,000 children. This legislation recognizes the important role NCMEC plays in our Nation's efforts to prevent child

abductions by doubling its authorization to $20 million through 2005.

HEARINGS

On March 11, 2003, the Subcommittee on Crime, Terrorism, and Homeland Security held a legislative hearing on H.R. 1104. Testimony was received from three witnesses. The witnesses were: Daniel P. Collins, Associate Deputy Attorney General, U.S. Department of Justice; Ronald S. Sullivan, Jr., Director of the Public Defender Service for the District of Columbia; and John P. Feldmeier, Esq., Cincinnati, OH.

COMMITTEE CONSIDERATION

On March 11, 2003, the Subcommittee on Crime, Terrorism, and Homeland Security met in open session and ordered favorably reported the bill H.R. 1104, by a voice vote, a quorum being present. On March 18, 2003, the Committee met in open session and ordered favorably reported the bill H.R. 1104 with amendment by a recorded vote of 18 to 2 and 1 voting present, a quorum being present.

VOTE OF THE COMMITTEE

1. An amendment was offered by Ms. Jackson Lee to strike Titles I and II of the bill. The amendment was defeated by a rollcall vote of 5 to 17.

ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Hyde			
Mr. Coble		X	
Mr. Smith		X	
Mr. Gallegly			
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Jenkins		X	
Mr. Cannon		X	
Mr. Bachus		X	
Mr. Hostettler		X	
Mr. Green			
Mr. Keller		X	
Ms. Hart		X	
Mr. Flake			
Mr. Pence		X	
Mr. Forbes		X	
Mr. King			
Mr. Carter		X	
Mr. Feeney		X	
Mrs. Blackburn		X	
Mr. Conyers	X		
Mr. Berman			
Mr. Boucher			
Mr. Nadler			
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren			
Ms. Jackson Lee	X		
Ms. Waters			
Mr. Meehan			
Mr. Delahunt			

ROLLCALL NO. 1—Continued

	Ayes	Nays	Present
Mr. Wexler		X	
Ms. Baldwin			
Mr. Weiner			
Mr. Schiff			
Ms. Sánchez	X		
Mr. Sensenbrenner, Chairman		X	
Total	5	17	

2. Final Passage. The motion to report favorably the bill, H.R. 1104 with amendment, was agreed to by a rollcall vote of 18 to 2 and 1 voting present.

ROLLCALL NO. 2

	Ayes	Nays	Present
Mr. Hyde			
Mr. Coble	X		
Mr. Smith	X		
Mr. Gallegly			
Mr. Goodlatte	X		
Mr. Chabot	X		
Mr. Jenkins	X		
Mr. Cannon	X		
Mr. Bachus	X		
Mr. Hostettler	X		
Mr. Green			
Mr. Keller	X		
Ms. Hart	X		
Mr. Flake			
Mr. Pence	X		
Mr. Forbes	X		
Mr. King			
Mr. Carter	X		
Mr. Feeney	X		
Mrs. Blackburn	X		
Mr. Conyers			
Mr. Berman			
Mr. Boucher			
Mr. Nadler			
Mr. Scott		X	
Mr. Watt		X	
Ms. Lofgren			
Ms. Jackson Lee			X
Ms. Waters			
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler	X		
Ms. Baldwin			
Mr. Weiner			
Mr. Schiff			
Ms. Sánchez	X		
Mr. Sensenbrenner, Chairman	X		
Total	18	2	1

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Rep-

resentatives, are incorporated in the descriptive portions of this report.

PERFORMANCE GOALS AND OBJECTIVES

H.R. 1104 is intended to prevent future crime by extending the length of supervised-release terms for offenders and by establishing a rebuttable presumption in favor of pretrial detention; enhance law enforcement tools for identifying and apprehending offenders by including child exploitation offenses as wiretap predicates and by eliminating the statute of limitations for certain offenses; increase penalties to more accurately reflect the extreme seriousness of child kidnapping and sex offenses, especially repeat offenses; punish offenders who travel abroad to prey on children; support a coordinated approach to the recovery of abducted children; and provide the States with additional tools and assistance to pursue these common goals.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1104, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 24, 2003.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1104, the Child Abduction Prevention Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Grabowicz (for Federal costs), who can be reached at 226–2860, and Victoria Heid Hall (for the State and local impact), who can be reached at 225–3220.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 1104—Child Abduction Prevention Act.

SUMMARY

H.R. 1104 would establish new Federal crimes relating to sexual abuse, increase fines and prison sentences for such crimes, and make it easier to investigate sex offenders. The bill also would direct the Attorney General to act as the national coordinator for the AMBER (America's Missing: Broadcast Emergency Response) Alert communications network, which is used by State and local law enforcement agencies to search for abducted children. In addition, H.R. 1104 would authorize the appropriation of:

- $20 million in fiscal year 2004 for the Department of Transportation (DOT) to make grants to States for disseminating information about missing children along highways;
- $5 million in fiscal year 2004 for the Department of Justice (DOJ) to make grants to States to develop or improve AMBER Alert communications plans; and
- $20 million in each of fiscal years 2004 and 2005 for the DOJ to make a grant to the National Center for Missing and Exploited Children.

Assuming appropriation of the necessary amounts, CBO estimates that implementing

H.R. 1104 would cost $76 million over the 2004–2008 period. This legislation could affect direct spending and revenues, but we estimate that any such effects would not be significant.

H.R. 1104 would expand an existing mandate, as defined in the Unfunded Mandates Reform Act (UMRA), by broadening requirements for State and local law enforcement agencies to report cases of missing children up to the age of 21. CBO estimates the costs of the expansion would not be significant and thus would not meet the threshold established in UMRA ($59 million in 2003, adjusted annually for inflation).

H.R. 1104 contains no new private-sector mandates as defined in UMRA.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 1104 is shown in the following table. The costs of this legislation fall within budget functions 400 (transportation) and 750 (administration of justice).

	By Fiscal Year, in Millions of Dollars				
	2004	2005	2006	2007	2008
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
DOT Grants to States					
Authorization Level	20	0	0	0	0
Estimated Outlays	3	14	3	0	0
DOJ Grants for AMBER Alert Plans					
Authorization Level	5	0	0	0	0
Estimated Outlays	1	2	2	0	0
Grant for National Center for Missing and Exploited Children					
Authorization Level	20	20	0	0	0
Estimated Outlays	5	13	15	7	0
Increased Costs to Federal Prison System					
Estimated Authorization Level	1	1	2	3	4
Estimated Outlays	1	1	2	3	4
Total Changes					
Estimated Authorization Level	46	21	2	3	4
Estimated Outlays	10	30	22	10	4

BASIS OF ESTIMATE

CBO assumes that H.R. 1104 will be enacted by the end of fiscal year 2003, that the specific amounts authorized for grant programs will be appropriated by the beginning of each fiscal year, and that outlays will follow the historical spending rates for these or similar activities.

H.R. 1104 would increase prison sentences for kidnapping and for a number of sex offenses. According to the U.S. Sentencing Commission, the longer sentences required by H.R. 1104 would apply to about 500 offenders annually by 2008. Based on information from the Bureau of Prisons, CBO estimates that the cost to incarcerate a prisoner for an additional year is about $7,000 (at 2003 prices). Thus, we estimate that the cost to support the additional prisoners would reach $4 million by fiscal year 2008 and would total $11 million over the 2003–2008 period, subject to the availability of appropriated funds.

Based on information from DOJ, CBO estimates that it would cost less than $500,000 annually for the department to coordinate the AMBER Alert program, subject to the availability of appropriated funds.

Enacting H.R. 1104 could increase revenues through greater collections of criminal fines. However, CBO does not expect any such increase to exceed $500,000 a year. Criminal fines are recorded as revenues and deposited in the Crime Victims Fund and later spent without further appropriation action.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

H.R. 1104 would expand an existing mandate as defined in UMRA by broadening requirements for State and local law enforcement agencies to report cases of missing children up to the age of 21. Under current law such agencies are required to report cases of missing children up to the age of 18. CBO estimates the costs of the expansion would not be significant and thus would not meet the threshold established in UMRA ($59 million in 2003, adjusted annually for inflation).

The bill would benefit State governments by establishing grant programs to assist with efforts to notify the public about child abductions using the AMBER Alert communications network. In addition, H.R. 1104 would expand the approved uses for grants under the Community Oriented Policing Services program to include assisting States in enforcing registry of sex offenders. Any costs incurred to receive or administer such grants would be voluntary.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

H.R. 1104 contains no new private-sector mandates as defined in UMRA.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz (226–2860)
Impact on State, Local, and Tribal Governments: Victoria Heid Hall (225–3220)
Impact on the Private Sector: Paige Piper/Bach (226–2940)

ESTIMATE APPROVED BY:

Peter H. Fontaine
Deputy Assistant Director for Budget Analysis

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

SECTION 1. SHORT TITLE

This Act may be cited as the "Child Abduction Prevention Act."

TITLE I—SANCTIONS AND OFFENSES

Sec. 101. Supervised release term for sex offenders.

This section amends section 3583 of title 18, United States Code, to provide a judge with the discretion to extend the term of post-release supervision of sex offenders from a minimum of 5 years and up to a maximum of life. Currently, most such offenses have a maximum of three to 5 years of supervision. This section is similar to H.R. 4679, the "Lifetime Consequences for Sex Offenders Act of 2002," which passed the House 409–3 on June 25, 2002.

Sec. 102. First degree murder for child abuse and child torture murders.

This section amends 18 U.S.C. § 1111 of title 18 to insert "child abuse" and "the pattern or practice of assault or torture against a child or children" that results in murder as a predicate for first degree murder. Section 1111 is the Federal murder statute. Under the current law, first degree murder includes murder committed in the perpetration of, or attempt to perpetrate, certain crimes including arson, escape, kidnapping, sexual abuse, and several other crimes. "Child abuse" and torture would be added to the list for first degree murder. First degree murder is punishable by death or life imprisonment. These changes will help to ensure that child abusers who kill their victims will receive penalties that reflect the heinousness of their crimes.

Sec. 103. Sexual abuse penalties.

This section increases the maximum and minimum penalties of section 1591 and chapters 110 and 117 of title 18 United States Code relating to the sexual exploitation of children and the sex trafficking of children.

Statutory maximum penalties provide only an upper limit on punishment, and accordingly should be coordinated to the type of penalty which would be appropriate for the most aggravated forms of the offenses in question, as committed by offenders with the most serious criminal histories. Where the statutory maximum penalty is too low, it may be impossible to impose a proportionate penalty in cases involving highly aggravated offense conduct. Likewise, in cases involving incorrigible offenders, low statutory maximum penalties may force the court to impose a sentence that is less than what is warranted in light of the offender's criminal history.

The increased mandatory minimum sentences are responsive to real problems of excessive leniency in sentencing under existing law. For example, the offenses under chapter 117 of the criminal code apply in sexual abuse cases involving interstate movement of persons or use of interstate instrumentalities, such as luring of child victims through the Internet. Courts all too frequently impose sentences more lenient than those prescribed by the sentencing guidelines in cases under chapter 117, particularly in situations where an undercover agent rather than a child was the object of the enticement. Yet the offender's conduct in such a case reflects a real attempt to engage in sexual abuse of a child, and the fact that the target of the effort turned out to be an undercover officer has no bearing on the culpability of the offender, or on the danger he presents to children if not adequately restrained and deterred by criminal punishment. Likewise, courts have been disposed to grant downward departures from the guidelines for child pornography possession offenses under chapter 110, based on the misconception that these crimes are not serious.

Sec. 104. Stronger penalties against kidnapping.

This section directs the Sentencing Commission to increase the base offense level for kidnapping from level 24 (51–63 months) to a base offense level of 32 (121–151 months). *(Amends § 2A4.1(a) of the Sentencing Guidelines).* It further deletes the provision of the

Guidelines that rewards kidnappers for releasing the victim within 24 hours by reducing the base offense level by one point. *(Deletes §2A4.1(4)(C) of the Sentencing Guidelines).* Under the current Guidelines, if a defendant sexually exploits the kidnapping victim, then the defendant's base offense level is increased by 3 levels. This is amended to a 6 level increase. *(Amends §2A4.1(5) of the Sentencing Guidelines.)*

This section also amends 18 U.S.C. §1201 to provide for a mandatory minimum sentence of 20 years if the victim of the non-family kidnapping is under the age of 18.

Sec. 105. Penalties against sex tourism.

This section addresses a number of problems related to persons who travel to foreign countries and engage in illicit sexual relations with minors. Current law requires the government to prove that the defendant traveled *with the intent* to engage in the illegal activity. Under this section the government would only have to prove that the defendant engaged in illicit sexual conduct with a minor while in a foreign country. This section also criminalizes the actions of sex tour operators by prohibiting persons from arranging, inducing, procuring, or facilitating the travel of a person knowing that such a person is traveling in interstate or foreign commerce for the purpose of engaging in illicit sexual conduct. The maximum penalty a defendant could receive is up to thirty years imprisonment. This section is similar to H.R. 4477, the "Sex Tourism Prohibition Improvement Act of 2002," which passed the House 418–8 on June 26, 2002.

Sec. 106. Two strikes.

This section would establish a mandatory sentence of life imprisonment for twice-convicted child sex offenders. This section amends 18 U.S.C. §3559 to provide for a mandatory minimum sentence of life imprisonment for any person convicted of a "Federal sex offense" if they had previously been convicted of a similar offense under either Federal or state law. The legislation defines Federal sex offense to include offenses committed against a person under the age of 17 and involving the crimes of sexual abuse, aggravated sexual abuse, abusive sexual contact, sexual exploitation of children, coercion and enticement of a minor into prostitution, and the interstate transportation of minors for sexual purposes. This section is similar to H.R. 2146, the "Two Strikes and You're Out Child Protection Act," which passed the House 382–34 on March 14, 2002.

Sec. 107. Attempt liability for international parental kidnapping.

This section Facilitates intervention and prevention of international parental kidnapping by adding attempt liability to 18 U.S.C. §1204, the statute defining that offense. This change is needed to facilitate effective intervention and prevention of parental kidnappings of children before they are removed from the United States. The current absence of attempt liability has created difficulties in cases in progress where the abducting parent is on the way out of the country, but is still transiting in the United States. In those cases, the FBI now has very limited ability to be-

come involved and prevent the abduction from becoming an international occurrence.

TITLE II—EFFECTIVE INVESTIGATION AND PROSECUTION

SUBTITLE A—LAW ENFORCEMENT TOOLS TO PROTECT CHILDREN

Sec. 201. Interceptions of communications in investigations of sex offenses.

This section would add four new wiretap predicates under 18 U.S.C.§ 2516 that relate to sexual exploitation crimes against children. This legislation in no way changes the strict limitations on how and when wiretaps may be used. This section also adds chapter 55 of title 18, kidnapping, to the list of wiretap predicates. This section is similar to H.R. 1877, the "Child Sex Crimes Wiretapping Act of 2002," which passed the House 396–11 on May 21 2002.

Sec. 202. No statute of limitations for child abduction and sex crimes.

This section provides that child abductions and felony sex offenses can be prosecuted without limitation of time. Under current law, the limitation period applicable to most Federal crimes is 5 years. See 18 U.S.C. § 3282. There are some exceptions to this limitation—*see, e.g.,* 18 U.S.C. § 3281 (no limitation period for capital crimes); 18 U.S.C. § 3293 (ten-year limitation period for certain financial institution offenses); 18 U.S.C. § 3294 (twenty-year limitation period for certain thefts of artwork). There are some exceptions to the general statute of limitation for certain cases involving child victims by providing that the limitation period does not bar prosecution "for an offense involving the sexual or physical abuse of a child under the age of eighteen years . . . before the child reaches the age of 25 years." 18 U.S.C. § 3283. While this is better than a flat 5-year rule, it remains inadequate in many cases. For example, a person who abducted and raped a child could not be prosecuted beyond this extended limit—even if DNA matching conclusively identified him as the perpetrator 1 day after the victim turned 25. Nor is this provision applicable in any case that does not involve child victims, such as that of a serial rapist of adult victims who is identified a number of years after the commission of the crimes through DNA matching.

SUBTITLE B—NO PRETRIAL RELEASE FOR THOSE WHO RAPE OR KIDNAP CHILDREN

Sec. 221. No pretrial release for those who rape or kidnap children.

This section provides a rebuttable presumption that child rapists and kidnappers should not get pre-trial release. Under current law, a defendant may be detained before trial if the government establishes by clear and convincing evidence that no release conditions will reasonably assure the appearance of the person and the safety of others. Current law also provides rebuttable presumptions that the standard for pretrial detention is satisfied in certain circumstances. For example, such a presumption exists if the court finds probable cause to believe that the defendant committed a drug offense punishable by imprisonment for 10 years or more, or that the person committed a crime of violence or drug trafficking crime while armed with a firearm, in violation of 18 U.S.C. § 924(c).

See 18 U.S.C. § 3142(e). Thus, existing law creates a presumption that, for example, an armed robber charged under 18 U.S.C. § 924(c) cannot safely be released before trial. This section will provide the same presumption for crimes such as child abduction and child rape.

SUBTITLE C—NO WAITING PERIOD TO REPORT MISSING CHILDREN "SUZANNE'S LAW"

Sec. 241. Amendment to Crime Control Act of 1990.

This section amends section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)) to require law enforcement agencies to report missing children less than 21 years of age to the National Crime Information Center. Current law only requires reporting for children under the age of 18.

TITLE III—PUBLIC OUTREACH

Sec. 301. National coordination of AMBER Alert communications network.

This section establishes an AMBER Alert Coordinator within the Department of Justice to assist states with their AMBER Alert plans. This coordinator will eliminate gaps in the network, including gaps in interstate travel, work with States to encourage development of additional AMBER plans, work with States to ensure regional coordination among plans, and serve as a nationwide point of contact.

The AMBER program is a voluntary partnership between law-enforcement agencies and broadcasters to activate an urgent alert bulletin in serious child-abduction cases. The goal of the AMBER Alert is to instantly galvanize the entire community to assist in the search for and safe return of the child.

Sec. 302. Minimum standards for issuance and dissemination of alerts through AMBER Alert communications network.

This section requires the Department of Justice Coordinator to establish nationwide minimum standards for the issuance of an AMBER alert and the extent of dissemination of the alert. The legislation allows for voluntary adoption of these standards. The Committee intends that the establishment of minimum standards will limit the use of the system to those rare instances of serious child abductions. Limiting the use of AMBER Alerts is critical to the long-term success of the program because overuse or misuse of AMBER Alerts could lead the public to ignore the alerts.

Sec. 303. Grant program for notification and communications systems along highways for recovery of abducted children.

This section authorizes $20,000,000 for fiscal year 2004 for the Secretary of Transportation to make grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

Sec. 304. Grant program for support of AMBER Alert communications plans.

This section authorizes $5,000,000 for fiscal year 2004 for the Attorney General to administer a grant program for the development and enhancement of programs and activities for the support of AMBER Alert communication plans.

Sec. 305. Increased support for the National Center for Missing and Exploited Children.

This section reauthorizes and doubles the annual grant to the National Center for Missing and Exploited Children from $10,000,000 to $20,000,000 through fiscal year 2005. *(Amends 42 U.S.C. 5773(b)(2)).*

Sec. 306. Sex offender apprehension program.

This section would authorize COPS funding for Sex Offender Apprehension Programs in States that have a sex offender registry and have laws that make it a crime for failure to notify authorities of any change in address information, etc. The money could be used by local law enforcement agencies to fund officers who would check up on sex offenders and arrest them for noncompliance. Keeping up to date records will help law enforcement in future investigations of missing children.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

* * * * * * *

PART I—CRIMES

* * * * * * *

CHAPTER 51—HOMICIDE

* * * * * * *

§ 1111. Murder

(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, *child abuse,* burglary, or robbery; *or perpetrated as part of a pattern or practice of assault or torture against a child or children;* or perpetrated from a premeditated design unlawfully and maliciously to

effect the death of any human being other than him who is killed, is murder in the first degree.

* * * * * * *

(c) For purposes of this section—

(1) the term "assault" has the same meaning as given that term in section 113;

(2) the term "child" means a person who has not attained the age of 18 years and is—

(A) under the perpetrator's care or control; or

(B) at least six years younger than the perpetrator;

(3) the term "child abuse" means intentionally, knowingly, or recklessly causing death or serious bodily injury to a child;

(4) the term "pattern or practice of assault or torture" means assault or torture engaged in on at least two occasions;

(5) the term "recklessly" with respect to causing death or serious bodily injury—

(A) means causing death or serious bodily injury under circumstances in which the perpetrator is aware of and disregards a grave risk of death or serious bodily injury; and

(B) such recklessness can be inferred from the character, manner, and circumstances of the perpetrator's conduct;

(6) the term "serious bodily injury" has the meaning set forth in section 1365; and

(7) the term "torture" means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).

* * * * * * *

CHAPTER 55—KIDNAPPING

* * * * * * *

§ 1201. Kidnapping

(a) * * *

* * * * * * *

(g) SPECIAL RULE FOR CERTAIN OFFENSES INVOLVING CHILDREN.—

(1) TO WHOM APPLICABLE.—If—

(A) * * *

* * * * * * *

the sentence under this section for such offense [shall be subject to paragraph (2) of this subsection.

[(2) GUIDELINES.—The United States Sentencing Commission is directed to amend the existing guidelines for the offense of "kidnapping, abduction, or unlawful restraint," by including the following additional specific offense characteristics: If the victim was intentionally maltreated (i.e., denied either food or medical care) to a life-threatening degree, increase by 4 levels; if the victim was sexually exploited (i.e., abused, used involuntarily for pornographic purposes) increase by 3 levels; if the victim was placed in the care or custody of another person who does not have a legal right to such care or custody of the child either in exchange for money or other consideration, increase

by 3 levels; if the defendant allowed the child to be subjected to any of the conduct specified in this section by another person, then increase by 2 levels.] *shall include imprisonment for not less than 20 years.*

* * * * * * *

§ 1204. International parental kidnapping

(a) Whoever removes a child from the United States*, or attempts to do so,* or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more than 3 years, or both.

* * * * * * *

(c) It shall be an affirmative defense under this section that—

(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights and that order was obtained pursuant to the Uniform Child Custody Jurisdiction Act *or the Uniform Child Custody Jurisdiction and Enforcement Act* and was in effect at the time of the offense;

(2) the defendant was fleeing an incidence or pattern of domestic violence; *or*

* * * * * * *

CHAPTER 77—PEONAGE AND SLAVERY

* * * * * * *

§ 1591. Sex trafficking of children or by force, fraud or coercion

(a) * * *

(b) The punishment for an offense under subsection (a) is—

(1) * * *

(2) if the offense was not so effected, and the person transported had attained the age of 14 years but had not attained the age of 18 years at the time of such offense, by a fine under this title or imprisonment for not more than [20] *40* years, or both.

* * * * * * *

CHAPTER 109A—SEXUAL ABUSE

* * * * * * *

§ 2247. Repeat offenders

(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter*, unless section 3559(e) applies*.

* * * * * * *

CHAPTER 110—SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN

* * * * * * *

§ 2251. Sexual exploitation of children

(a) * * *

* * * * * * *

(d) Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title [or imprisoned not less than 10] *and imprisoned not less than 15* years nor more than [20] *30* years, [and both,] but if such person has one prior conviction under this chapter, chapter 109A, or chapter 117, or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned for not less than [15] *25* years nor more than [30] *50* years, but if such person has 2 or more prior convictions under this chapter, chapter 109A, or chapter 117, or under the laws of any State relating to the sexual exploitation of children, such person shall be fined under this title and imprisoned not less than [30] *35* years nor more than life. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.

§ 2251A. Selling or buying of children

(a) Any parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of such minor, or offers to sell or otherwise transfer custody of such minor either—

(1) * * *

* * * * * * *

shall be punished by imprisonment for not less than [20] *30* years or for life and by a fine under this title, if any of the circumstances described in subsection (c) of this section exist.

(b) Whoever purchases or otherwise obtains custody or control of a minor, or offers to purchase or otherwise obtain custody or control of a minor either—

(1) * * *

* * * * * * *

shall be punished by imprisonment for not less than [20] *30* years or for life and by a fine under this title, if any of the circumstances described in subsection (c) of this section exist.

§ 2252. Certain activities relating to material involving the sexual exploitation of minors

(a) * * *

(b)(1) Whoever violates, or attempts or conspires to violate, paragraphs (1), (2), or (3) of subsection (a) shall be fined under this title [or imprisoned] *and imprisoned not less than 10 years and* not more than [15] *20* years, [or both,] but if such person has a prior conviction under this chapter, chapter 109A, or chapter 117, or under the laws of any State relating to aggravated sexual abuse,

sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than [5] *15* years nor more than [30] *40* years.

(2) Whoever violates, or attempts or conspires to violate, paragraph (4) of subsection (a) shall be fined under this title [or imprisoned] *and imprisoned not less than 5 years and* not more than [5] *10* years, [or both,] but if such person has a prior conviction under this chapter, chapter 109A, or chapter 117, or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than [2] *10* years nor more than [10] *20* years.

§ 2252A. Certain activities relating to material constituting or containing child pornography

(a) * * *

(b)(1) Whoever violates, or attempts or conspires to violate, paragraph (1), (2), (3), or (4) of subsection (a) shall be fined under this title [or imprisoned] *and imprisoned not less than 10 years and* not more than [15] *20* years, [or both,] but, if such person has a prior conviction under this chapter, chapter 109A, or chapter 117, or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than [5] *15* years nor more than [30] *40* years.

(2) Whoever violates, or attempts or conspires to violate, subsection (a)(5) shall be fined under this title [or imprisoned] *and imprisoned not less than 5 years and* not more than [5] *10* years, [or both,] but, if such person has a prior conviction under this chapter, chapter 109A, or chapter 117, or under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography, such person shall be fined under this title and imprisoned for not less than [2] *10* years nor more than [10] *20* years.

* * * * * * *

CHAPTER 117—TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES

* * * * * * *

§ 2422. Coercion and enticement

(a) Whoever knowingly persuades, induces, entices, or coerces any individual to travel in interstate or foreign commerce, or in any Territory or Possession of the United States, to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined

under this title [or imprisoned] *and imprisoned not less than 2 years and* not more than [10] *20* years[, or both].

(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title[, imprisoned] *and imprisoned not less than 5 years and* not more than [15] *30* years[, or both].

§ 2423. Transportation of minors

(a) TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.—A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, [or attempts to do so,] shall be fined under this title[, imprisoned] *and imprisoned not less than 5 years and* not more than [15] *30* years[, or both].

[(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.—A person who travels in interstate commerce, or conspires to do so, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, or conspires to do so, for the purpose of engaging in any sexual act (as defined in section 2246) with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 15 years, or both.]

(b) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.—A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

(c) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

(d) ANCILLARY OFFENSES.—Whoever arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

(e) ATTEMPT AND CONSPIRACY.—Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

(f) DEFINITION.—As used in this section, the term "illicit sexual conduct" means (1) a sexual act (as defined in section 2246) with a person that would be in violation of chapter 109A if the sexual

act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person who has not attained the age of 18 years.

(g) DEFENSE.—In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.

* * * * * * *

§ 2426. Repeat offenders

(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term of imprisonment otherwise provided by this chapter*, unless section 3559(e) applies*.

* * * * * * *

CHAPTER 119—WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS

* * * * * * *

§ 2516. Authorization for interception of wire, oral, or electronic communications

(1) The Attorney General, Deputy Attorney General, Associate Attorney General, or any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General or acting Deputy Assistant Attorney General in the Criminal Division specially designated by the Attorney General, may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518 of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation, or a Federal agency having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of—

(a) any offense punishable by death or by imprisonment for more than one year under sections 2274 through 2277 of title 42 of the United States Code (relating to the enforcement of the Atomic Energy Act of 1954), section 2284 of title 42 of the United States Code (relating to sabotage of nuclear facilities or fuel), or under the following chapters of this title: chapter 37 (relating to espionage), *chapter 55 (relating to kidnapping),* chapter 90 (relating to protection of trade secrets), chapter 105 (relating to sabotage), chapter 115 (relating to treason), chapter 102 (relating to riots), chapter 65 (relating to malicious mischief), chapter 111 (relating to destruction of vessels), or chapter 81 (relating to piracy);

* * * * * * *

(c) any offense which is punishable under the following sections of this title: section 201 (bribery of public officials and witnesses), section 215 (relating to bribery of bank officials),

section 224 (bribery in sporting contests), subsection (d), (e), (f), (g), (h), or (i) of section 844 (unlawful use of explosives), section 1032 (relating to concealment of assets), section 1084 (transmission of wagering information), section 751 (relating to escape), section 1014 (relating to loans and credit applications generally; renewals and discounts), sections 1503, 1512, and 1513 (influencing or injuring an officer, juror, or witness generally), section 1510 (obstruction of criminal investigations), section 1511 (obstruction of State or local law enforcement), *1591 (sex trafficking),* section 1751 (Presidential and Presidential staff assassination, kidnapping, and assault), section 1951 (interference with commerce by threats or violence), section 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), section 1958 (relating to use of interstate commerce facilities in the commission of murder for hire), section 1959 (relating to violent crimes in aid of racketeering activity), section 1954 (offer, acceptance, or solicitation to influence operations of employee benefit plan), section 1955 (prohibition of business enterprises of gambling), section 1956 (laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 659 (theft from interstate shipment), section 664 (embezzlement from pension and welfare funds), section 1343 (fraud by wire, radio, or television), section 1344 (relating to bank fraud), sections [2251 and 2252 (sexual exploitation of children)] *2251, 2251A, 2252, 2252A, and 2260 (sexual exploitation of children)*, sections 2312, 2313, 2314, and 2315 (interstate transportation of stolen property), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts), section 1203 (relating to hostage taking), *sections 2421, 2422, 2423, and 2425 (transportation for illegal sexual activity and related crimes),* section 1029 (relating to fraud and related activity in connection with access devices), section 3146 (relating to penalty for failure to appear), section 3521(b)(3) (relating to witness relocation and assistance), section 32 (relating to destruction of aircraft or aircraft facilities), section 38 (relating to aircraft parts fraud), section 1963 (violations with respect to racketeer influenced and corrupt organizations), section 115 (relating to threatening or retaliating against a Federal official), section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse), section 351 (violations with respect to congressional, Cabinet, or Supreme Court assassinations, kidnapping, and assault), section 831 (relating to prohibited transactions involving nuclear materials), section 33 (relating to destruction of motor vehicles or motor vehicle facilities), section 175 (relating to biological weapons), section 1992 (relating to wrecking trains), a felony violation of section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relat-

ing to forgery or false use of passports), section 1544 (relating to misuse of passports), or section 1546 (relating to fraud and misuse of visas, permits, and other documents);

* * * * * * *

(q) any criminal violation of section 229 (relating to chemical weapons); or sections 2332, 2332a, 2332b, 2332d, 2332f, 2339A, 2339B, or 2339C of this title (relating to terrorism); [or]

(r) a violation of section 2422 (relating to coercion and enticement) and section 2423(a) (relating to transportation of minors) of this title, if, in connection with that violation, the intended sexual activity would constitute a felony violation of chapter 109A or 110, including a felony violation of chapter 109A or 110 if the sexual activity occurred, or was intended to occur, within the special maritime and territorial jurisdiction of the United States, regardless of where it actually occurred or was intended to occur; or

[(r)] *(s)* any conspiracy to commit any offense described in any subparagraph of this paragraph.

* * * * * * *

PART II—CRIMINAL PROCEDURE

* * * * * * *

CHAPTER 207—RELEASE AND DETENTION PENDING JUDICIAL PROCEEDINGS

* * * * * * *

§ 3142. Release or detention of a defendant pending trial

(a) * * *

* * * * * * *

(e) DETENTION.—If, after a hearing pursuant to the provisions of subsection (f) of this section, the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial. In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if such judicial officer finds that—

(1) * * *

* * * * * * *

Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), the Mari-

time Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), or an offense under section 924(c), 956(a), [or 2332b] *1201, 1591, 2241, 2242, 2244(a)(1), 2242(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2332b, 2421, 2422, 2423, or 2425* of title 18 of the United States Code.

* * * * * * *

CHAPTER 213—LIMITATIONS

Sec.
3281. Capital offenses.

* * * * * * *

3297. Child abduction and sex offenses.

* * * * * * *

§ 3297. Child abduction and sex offenses

Notwithstanding any other provision of law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425.

* * * * * * *

CHAPTER 227—SENTENCES

* * * * * * *

SUBCHAPTER A—GENERAL PROVISIONS

* * * * * * *

§ 3559. Sentencing classification of offenses

(a) * * *

* * * * * * *

(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), 2244(a)(1) or (2) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), 2251 (relating to sexual exploitation of children), 2251A (relating to selling or buying of children), or 2422(b) (relating to coercion and enticement of a minor into prostitution); 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).

* * * * * * *

SUBCHAPTER D—IMPRISONMENT

* * * * * * *

§ 3583. Inclusion of a term of supervised release after imprisonment

(a) * * *

* * * * * * *

(e) MODIFICATION OF CONDITIONS OR REVOCATION.—The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)—

(1) * * *

* * * * * * *

(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve *on any such revocation* more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or

* * * * * * *

(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment [that is less than the maximum term of imprisonment authorized under subsection (e)(3)], the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

* * * * * * *

(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years or life, and the sentence for any such offense that is a felony shall include a term of supervised release of at least 5 years.

* * * * * * *

SECTION 3701 OF THE CRIME CONTROL ACT OF 1990

SEC. 3701. REPORTING REQUIREMENT.

(a) IN GENERAL.—Each Federal, State, and local law enforcement agency shall report each case of a missing child under the age of [18] *21* reported to such agency to the National Crime Information Center of the Department of Justice.

* * * * * * *

SECTION 404 OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

DUTIES AND FUNCTIONS OF THE ADMINISTRATOR

SEC. 404. (a) * * *

(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

(1) * * *

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003 *and $20,000,000 for each of fiscal years 2004 and 2005*.

* * * * * * *

SECTION 1701 OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.

(a) * * *

* * * * * * *

(d) ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—

(1) * * *

* * * * * * *

(10) assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply;

[(10)**]** *(11)* establish, implement, and coordinate crime prevention and control programs (involving law enforcement officers working with community members) with other Federal programs that serve the community and community members to better address the comprehensive needs of the community and its members; and

[(11)**]** *(12)* support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in community-oriented policing or, if necessary, upon existing officers' initial redeployment to community-oriented policing.

* * * * * * *

COMMITTEE JURISDICTION LETTERS

JOHN A. BOEHNER, OHIO, Chairman

THOMAS E. PETRI, WISCONSIN, Vice Chairman
CASS BALLENGER, NORTH CAROLINA
PETER HOEKSTRA, MICHIGAN
HOWARD P. "BUCK" McKEON, CALIFORNIA
MICHAEL N. CASTLE, DELAWARE
SAM JOHNSON, TEXAS
JAMES C. GREENWOOD, PENNSYLVANIA
CHARLIE NORWOOD, GEORGIA
FRED UPTON, MICHIGAN
VERNON J. EHLERS, MICHIGAN
JIM DeMINT, SOUTH CAROLINA
JOHNNY ISAKSON, GEORGIA
JUDY BIGGERT, ILLINOIS
TODD RUSSELL PLATTS, PENNSYLVANIA
PATRICK J. TIBERI, OHIO
RIC KELLER, FLORIDA
TOM OSBORNE, NEBRASKA
JOE WILSON, SOUTH CAROLINA
TOM COLE, OKLAHOMA
JON C. PORTER, NEVADA
JOHN KLINE, MINNESOTA
JOHN R. CARTER, TEXAS
MARILYN N. MUSGRAVE, COLORADO
MARSHA BLACKBURN, TENNESSEE
PHIL GINGREY, GEORGIA
MAX BURNS, GEORGIA

COMMITTEE ON EDUCATION
AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
2181 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

MINORITY MEMBERS:

GEORGE MILLER, CALIFORNIA, Senior Democratic Member

DALE E. KILDEE, MICHIGAN
MAJOR R. OWENS, NEW YORK
DONALD M. PAYNE, NEW JERSEY
ROBERT E. ANDREWS, NEW JERSEY
LYNN C. WOOLSEY, CALIFORNIA
RUBEN HINOJOSA, TEXAS
CAROLYN McCARTHY, NEW YORK
JOHN F. TIERNEY, MASSACHUSETTS
RON KIND, WISCONSIN
DENNIS J. KUCINICH, OHIO
DAVID WU, OREGON
RUSH D. HOLT, NEW JERSEY
SUSAN A. DAVIS, CALIFORNIA
BETTY McCOLLUM, MINNESOTA
DANNY K. DAVIS, ILLINOIS
ED CASE, HAWAII
RAÚL M. GRIJALVA, ARIZONA
DENISE L. MAJETTE, GEORGIA
CHRIS VAN HOLLEN, MARYLAND
TIMOTHY J. RYAN, OHIO
TIMOTHY H. BISHOP, NEW YORK

MAJORITY–(202) 225-4527
(TTY)–(202) 226-3572
MINORITY–(202) 225-3725
(TTY)–(202) 226-3116

March 20, 2003

The Honorable James Sensenbrenner, Jr.
Chairman, Committee on the Judiciary
2138 Rayburn HOB
Washington, D.C. 20515
Attn: Will Moschella

Dear Chairman Sensenbrenner:

I am writing to confirm our mutual understanding with respect to consideration of H.R. 1104, the "Child Abduction Prevention Act," which was referred to the Committee on the Judiciary and in addition the Committee on Transportation and Infrastructure and the Committee on Education and the Workforce. Section 305. *Increased Support* is a provision within the sole jurisdiction of the Committee on Education and the Workforce. I understand the desire to have this legislation considered expeditiously by the House; hence, I do not intend to hold a hearing or markup on this legislation.

However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future. Furthermore, should this provision or similar provisions be included by any Senate amendments thereto and considered in a conference with the Senate, I would expect Members of the Committee on Education and the Workforce be appointed as conferees on those provisions.

Finally, I would ask that you include a copy of our exchange of letters on this matter during House debate of the bill. If you have questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,

JOHN A. BOEHNER
Chairman

JAB/jms

cc: The Honorable J. Dennis Hastert
The Honorable Tom DeLay
The Honorable George Miller
Mr. Charles Johnson, Parliamentarian

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515–6216
One Hundred Eighth Congress

March 20, 2003

The Honorable John A. Boehner
Chairman
Committee on Education and the Workforce
House of Representatives
Washington, DC, 20515

Dear Chairman Boehner:

This letter responds to your letter dated March 20, 2003, concerning H.R. 1104, the "Child Abduction Prevention Act."

I agree that the bill contains matters within the Education and the Workforce Committee's jurisdiction and appreciate your willingness to be discharged from further consideration of H.R. 1104 so we may proceed to the floor.

Pursuant to your request, a copy of your letter and this letter will be included in the report of the Committee on the Judiciary on H.R. 1104.

Sincerely

F. JAMES SENSENBRENNER, JR.
Chairman

cc. The Honorable J. Dennis Hastert
The Honorable John Conyers, Jr.
The Honorable George Miller
The Honorable Charles W. Johnson III

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

Don Young
Chairman

Lloyd A. Jones, Chief of Staff
Elizabeth Megginson, Chief Counsel

James L. Oberstar
Ranking Democratic Member

David Heymsfeld, Democratic Chief of Staff

March 18, 2003

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Sensenbrenner:

I am writing with regard to H.R. 1104, the Child Abduction Prevention Act, which will be marked up by the Committee on the Judiciary on March 18, 2003. As you know, the Committee on Transportation and Infrastructure was named as an additional Committee of jurisdiction upon the bill's introduction.

Section 303 of the bill, as introduced, establishes a Department of Transportation (DOT) grant program to provide for communications systems along highways for alerts to facilitate the recovery of abducted children. This falls within the jurisdiction of the Transportation and Infrastructure Committee. I appreciate your willingness to work with me to redraft the provision to make it consistent with the program that DOT currently has underway. This language has been shared with our minority and they have signed off on it.

I recognize your desire to bring this important bill before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a sequential referral of the legislation. This is conditional on including in H.R. 1104 the modifications to section 303 as we have agreed to either in your Committee markup or as a manager's amendment on the House Floor. By agreeing to waive its consideration of the bill, however, the Committee on Transportation and Infrastructure does not waive its jurisdiction over H.R. 1104. In addition, the Transportation and Infrastructure Committee reserves its right to seek conferees on provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Transportation and Infrastructure Committee for conferees on H.R. 1104.

I request that you include a copy of our exchange of letters in your Committee's report on H.R. 1104 and in the *Congressional Record* during consideration on the House Floor. Thank you.

Sincerely,

DON YOUNG
Chairman

cc: The Honorable James L. Oberstar
The Honorable Charles W. Johnson, III

U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515–6216
One Hundred Eighth Congress

March 19, 2003

The Honorable Don Young
Chairman
Committee on Transportation and Infrastructure
House of Representatives
Washington, DC, 20515

Dear Chairman Young:

This letter responds to your letter dated March 18, 2003, concerning H.R. 1104, the "Child Abduction Prevention Act."

I agree that the bill contains matters within the Transportation and Infrastructure Committee's jurisdiction and appreciate your willingness to be discharged from further consideration of H.R. 1104 so we may proceed to the floor.

Pursuant to your request, a copy of your letter and this letter will be included in the report of the Committee on the Judiciary on H.R. 1104.

Sincerely

F. JAMES SENSENBRENNER, JR.
Chairman

cc. The Honorable J. Dennis Hastert
The Honorable John Conyers, Jr.
The Honorable James L. Oberstar
The Honorable Charles W. Johnson III

MARKUP TRANSCRIPT

BUSINESS MEETING

WEDNESDAY, MARCH 18, 2003

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 2:05 p.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

Chairman SENSENBRENNER. The Committee will be in order. The first item on the agenda is the adoption of H.R. 1104, the "Child Abduction Prevention Act."

The Chair recognizes the gentleman from North Carolina, Mr. Coble, Chairman of the Subcommittee on Crime, Terrorism and Homeland Security.

Mr. COBLE. Mr. Chairman, the Subcommittee on Crime, Terrorism and Homeland Security reports in favor of the bill 1104 and moves its favorable consideration to the full House.

Chairman SENSENBRENNER. Without objection, H.R. 1104 will be considered as read and open for amendment at any point.

[The bill, H.R. 1104, follows:]

I

108TH CONGRESS
1ST SESSION

H. R. 1104

To prevent child abduction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2003

Mr. SENSENBRENNER (for himself, Mr. SMITH of Texas, Mr. CHABOT, Mr. GREEN of Wisconsin, Mr. HYDE, and Mr. COBLE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

A BILL

To prevent child abduction, and for other purposes.

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 Abduction Prevention Act''.

TITLE I—SANCTIONS AND OFFENSES

SEC. 101. SUPERVISED RELEASE TERM FOR SEX OFFENDERS.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (e)(3), by inserting ''on any such revocation'' after ''required to serve'';

(2) in subsection (h), by striking ''that is less than the maximum term of imprisonment authorized under subsection (e)(3)''; and

(3) by adding at the end the following:

''(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under chapter 109A, 110, or 117, or section 1591, is any term of years or life, and the sentence for any such offense that is a felony shall include a term of supervised release of at least 5 years.''.

SEC. 102. FIRST DEGREE MURDER FOR CHILD ABUSE AND CHILD TORTURE MURDERS.

Section 1111 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''child abuse,'' after ''sexual abuse,''; and

(B) by inserting ''or perpetrated as part of a pattern or practice of assault or torture against a child or children;'' after ''robbery;''; and

(2) by inserting at the end the following:

''(c) For purposes of this section—

''(1) the term 'assault' has the same meaning as given that term in section 113;

''(2) the term 'child' means a person who has not attained the age of 18 years and is—

''(A) under the perpetrator's care or control; or

''(B) at least six years younger than the perpetrator;

''(3) the term 'child abuse' means intentionally, knowingly, or recklessly causing death or serious bodily injury to a child;

''(4) the term 'pattern or practice of assault or torture' means assault or torture engaged in on at least two occasions;

''(5) the term 'recklessly' with respect to causing death or serious bodily injury—

''(A) means causing death or serious bodily injury under circumstances in which the perpetrator is aware of and disregards a grave risk of death or serious bodily injury; and

''(B) such recklessness can be inferred from the character, manner, and circumstances of the perpetrator's conduct;

''(6) the term 'serious bodily injury' has the meaning set forth in section 1365; and

''(7) the term 'torture' means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).''.

SEC. 103. SEXUAL ABUSE PENALTIES.

(a) MAXIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking ''20'' and inserting ''30''; and

(ii) by striking ''30'' the first place it appears and inserting ''50'';

(B) in section 2252(b)(1)—

(i) by striking ''15'' and inserting ''20''; and

(ii) by striking ''30'' and inserting ''40'';

(C) in section 2252(b)(2)—

(i) by striking ''5'' and inserting ''10''; and

(ii) by striking ''10'' and inserting ''20'';

(D) in section 2252A(b)(1)—

(i) by striking ''15'' and inserting ''20''; and

(ii) by striking ''30'' and inserting ''40''; and

(E) in section 2252A(b)(2)—

(i) by striking ''5'' and inserting ''10''; and

(ii) by striking ''10'' and inserting ''20''.

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a), by striking ''10'' and inserting ''20'';

(B) in section 2422(b), by striking ''15'' and inserting ''30''; and

(C) in section 2423(a), by striking ''15'' and inserting ''30''.

(3) Section 1591(b)(2) of title 18, United States Code, is amended by striking ''20'' and inserting ''40''.

(b) MINIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking ''or imprisoned not less than 10'' and inserting ''and imprisoned not less than 15'';

(ii) by striking ''and both,'';

(iii) by striking ''15'' and inserting ''25''; and

(iv) by striking ''30'' the second place it appears and inserting ''35'';

(B) in section 2251A(a) and (b), by striking ''20'' and inserting ''30'';

(C) in section 2252(b)(1)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 10 years and'';

(ii) by striking ''or both,''; and

(iii) by striking ''5'' and inserting ''15'';

(D) in section 2252(b)(2)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 5 years and'';

(ii) by striking ''or both,''; and

(iii) by striking ''2'' and inserting ''10'';

(E) in section 2252A(b)(1)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 10 years and'';

(ii) by striking ''or both,''; and

(iii) by striking ''5'' and inserting ''15''; and

(F) in section 2252A(b)(2)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 5 years and'';

(ii) by striking ''or both,''; and

(iii) by striking ''2'' and inserting ''10''.

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 2 years and''; and

(ii) by striking '', or both'';

(B) in section 2422(b)—

(i) by striking '', imprisoned'' and inserting ''and imprisoned not less than 5 years and''; and

(ii) by striking '', or both''; and

(C) in section 2423(a)—

(i) by striking ‘‘, imprisoned’’ and inserting ‘‘and imprisoned not less than 5 years and’’; and

(ii) by striking ‘‘, or both’’.

SEC. 104. STRONGER PENALTIES AGAINST KIDNAPPING.

(a) SENTENCING GUIDELINES.—Notwithstanding any other provision of law regarding the amendment of Sentencing Guidelines, the United States Sentencing Commission is directed to amend the Sentencing Guidelines, to take effect on the date that is 30 days after the date of the enactment of this Act—

(1) so that the base level for kidnapping in section 2A4.1(a) is increased from level 24 to level 32 (121–151 months);

(2) so as to delete section 2A4.1(b)(4)(C); and

(3) so that the increase provided by section 2A4.1(b)(5) is 6 levels instead of 3.

(b) MINIMUM MANDATORY SENTENCE.—Section 1201(g) of title 18, United States Code, is amended by striking ‘‘shall be subject to paragraph (2)’’ in paragraph (1) and all that follows through paragraph (2) and inserting ‘‘shall include imprisonment for not less than 20 years.’’.

SEC. 105. PENALTIES AGAINST SEX TOURISM.

(a) IN GENERAL.—Section 2423 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.—A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

''(c) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.

''(d) ANCILLARY OFFENSES.—Whoever arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.

''(e) ATTEMPT AND CONSPIRACY.—Whoever attempts or conspires to violate subsection (a), (b), (c), or

(d) shall be punishable in the same manner as a completed violation of that subsection.

''(f) DEFINITION.—As used in this section, the term 'illicit sexual conduct' means (1) a sexual act (as defined in section 2246) with a person that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person who has not attained the age of 18 years.

''(g) DEFENSE.—In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.''.

(b) CONFORMING AMENDMENT.—Section 2423(a) of title 18, United States Code, is amended by striking ''or attempts to do so,''.

SEC. 106. TWO STRIKES YOU'RE OUT.

(a) IN GENERAL.—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).''.

(b) CONFORMING AMENDMENT.—Sections 2247(a) and 2426(a) of title 18, United States Code, are each

amended by inserting ", unless section 3559(e) applies" before the final period.

SEC. 107. ATTEMPT LIABILITY FOR INTERNATIONAL PARENTAL KIDNAPPING.

Section 1204 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ", or attempts to do so," before "or retains"; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting "or the Uniform Child Custody Jurisdiction and Enforcement Act" before "and was"; and

(B) in paragraph (2), by inserting "or" after the semicolon.

TITLE II—INVESTIGATIONS AND PROSECUTIONS

Subtitle A—Law Enforcement Tools To Protect Children

SEC. 201. INTERCEPTIONS OF COMMUNICATIONS IN INVESTIGATIONS OF SEX OFFENSES.

(a) IN GENERAL.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (a), by inserting after "chapter 37 (relating to espionage)," the following: "chapter 55 (relating to kidnapping),"; and

(2) in paragraph (c)—

(A) by inserting ''1591 (sex trafficking),'' before ''section 1751'';

(B) by striking ''2251 and 2252 (sexual exploitation of children)'' and inserting ''2251, 2251A, 2252, 2252A, and 2260 (sexual exploitation of children)''; and

(C) by inserting ''sections 2421, 2422, 2423, and 2425 (transportation for illegal sexual activity and related crimes)'' before ''section 1029''.

(b) TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY.—Section 2516(1) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (q);

(2) by inserting after paragraph (q) the following:

''(r) a violation of section 2422 (relating to coercion and enticement) and section 2423(a) (relating to transportation of minors) of this title, if, in connection with that violation, the intended sexual activity would constitute a felony violation of chapter 109A or 110, including a felony violation of chapter 109A or 110 if the sexual activity occurred, or was

intended to occur, within the special maritime and territorial jurisdiction of the United States, regardless of where it actually occurred or was intended to occur; or''; and

(3) by redesignating paragraph (r) as paragraph (s).

SEC. 202. NO STATUTE OF LIMITATIONS FOR CHILD ABDUCTION AND SEX CRIMES.

(a) IN GENERAL.—(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 3296. Child abduction and sex offenses

''Notwithstanding any other provision of law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3296. Child abduction and sex offenses.''.

(b) APPLICATION.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section.

Subtitle B—No Pretrial Release for Those Who Rape or Kidnap Children

SEC. 221. NO PRETRIAL RELEASE FOR THOSE WHO RAPE OR KIDNAP CHILDREN.

Section 3142(e) of title 18, United States Code, is amended—

(1) by inserting ''1201 (if the victim has not attained the age of 18 years), 1591 (if the victim has not attained the age of 18 years),'' before ''or 2332b''; and

(2) by striking ''of title 18 of the United States Code'' and inserting ''or a felony offense under chapter 109A, 110, or 117 where a victim has not attained the age of 18 years''.

Subtitle C—No Waiting Period To Report Missing Children ''Suzanne's Law''

SEC. 241. AMENDMENT.

Section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)) is amended by striking ''age of 18'' and inserting ''age of 21''.

TITLE III—PUBLIC OUTREACH

SEC. 301. NATIONAL COORDINATION OF AMBER ALERT COMMUNICATIONS NETWORK.

(a) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) DUTIES.—In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;

(2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;

(3) work with States to ensure appropriate regional coordination of various elements of the network; and

(4) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts on abducted children through the network.

(c) CONSULTATION WITH FEDERAL BUREAU OF INVESTIGATION.—In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) COOPERATION.—The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

SEC. 302. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH AMBER ALERT COMMUNICATIONS NETWORK.

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

(1) the issuance of alerts through the AMBER Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—(1) The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(3) In carrying out activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) COOPERATION.—(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(2) The Coordinator shall also cooperate with local broadcasters and State and local law enforcement agencies in establishing minimum standards under this section.

SEC. 303. GRANT PROGRAM FOR NOTIFICATION AND COMMUNICATIONS SYSTEMS ALONG HIGHWAYS FOR RECOVERY OF ABDUCTED CHILDREN.

(a) PROGRAM REQUIRED.—The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification

or communications systems along highways for alerts and other information for the recovery of abducted children.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development or enhancement of electronic message boards along highways and the placement of additional signage along highways; and

(2) the development or enhancement of other means of disseminating along highways alerts and other information for the recovery of abducted children.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Secretary shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Secretary shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department

of Transportation $20,000,000 for fiscal year 2003 to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 304. GRANT PROGRAM FOR SUPPORT OF AMBER ALERT COMMUNICATIONS PLANS.

(a) PROGRAM REQUIRED.—The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans; and

(3) such other activities as the Attorney General considers appropriate for supporting the AMBER Alert communications program.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Justice $5,000,000 for fiscal year 2003 to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 305. INCREASED SUPPORT.

Section 404(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5773(b)(2)) is amended by inserting ''and $20,000,000 for each of fiscal years 2004 and 2005'' after ''and 2003''.

SEC. 306. SEX OFFENDER APPREHENSION PROGRAM.

Section 1701(d) of part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) by redesignating paragraphs (10) and (11) as (11) and (12), respectively; and

(2) by inserting after paragraph (9) the following:

''(10) assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply;''.

○

Chairman SENSENBRENNER. The Chair recognizes the gentleman from North Carolina to strike the last word.

Mr. COBLE. I thank the Chairman.

Mr. Chairman and colleagues, this legislation is good policy. It has the potential to protect and save lives, the lives of the most innocent among us. H.R. 1104 is divided into three titles to improve the law related to child abductions by addressing sanctions and offenses, investigation and prosecution, and public outreach.

This legislation sends a clear message that child abductors will not escape justice. Title I, Sanctions and Offenses, strengthens penalties against kidnapping by providing for a 20-year mandatory minimum sentence and imprisonment for nonfamily abductions of a child under the age of 18. This title also requires lifetime supervision for sex offenders, which is similar to a bill that passed the House 409 to 3 last year.

Also included is a provision that requires mandatory life imprisonment for second-time sex offenders that also passed the House 382 to 34 last Congress.

In addition, this title directs the U.S. Sentencing Commission to increase offense levels for crimes of kidnapping and adds child abuse that results in a death as a predicate for first degree murder.

Title II, effective investigations and prosecution, gives law enforcement agencies the tools they need to enforce the laws against child abduction. This title adds (4)(d) wiretap predicates that relate to sexual exploitation of crimes against children, which previously passed the House 396 to 11 last Congress.

This title also provides that child abductions and felony sex offenses can be prosecuted without limitation of time and provides a rebuttable presumption that child rapists and kidnappers should not get pretrial release.

Title III, Public Outreach, establishes a national Amber Alert program based on Representative Jennifer Dunn's and Representative Martin Frost's bill to expand the child abduction communications warning network throughout the United States. The Amber program is a voluntary partnership between law enforcement agencies and broadcasters to activate an urgent alert bulletin in serious child abduction cases. The goal of the Amber alert is to have the assistance of millions of people in the search for an abducted child.

This title also increases support for the National Center for Missing and Exploited Children, the Nation's resource center for child protection, by doubling its authorization to $20 million. Furthermore, the title authorizes COPS funding for local law enforcement agencies to establish sex offender apprehension programs within their States.

This program is especially important given a recent survey by parents for Megan's law. That survey revealed that States, on average, were unable to account for 24 percent of sex offenders who were supposed to be in the databases. An Associated Press investigation revealed that California alone had lost track of at least 33,000 sex offenders.

Mr. Chairman, the recent wave of high-profile child abductions illustrates the tremendous need for legislation in this area. These criminals breach the security of our homes to steal, molest, rape, and kill our children. Immediate action is necessary, and I urge my colleagues to support this legislation.

Chairman SENSENBRENNER. The gentleman from Michigan.

The gentleman from Virginia, Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. Chairman, I am pleased the Amber Alert system for locating abducted or missing children is part of this bill. If the Amber Alert part of the bill were the only measure before us, we would be ready to vote, and I assume it would be unanimous. Unfortunately, instead of the noncontroversial bipartisan Frost-Dunn Amber Alert bill or the companion Senate Amber Alert bill which passed that body unanimously a few weeks ago, we have before us a bill that is now a hodgepodge of get-tough, sound-bite-based provisions that sound good for about the 10 seconds that it takes to say the name, but fall apart as soon as you try to explain how it would actually reduce crime.

Two strikes and you're out, lifetime supervision, sex crimes, wiretapping, sex tourism, mandatory minimums, death penalties, and so forth, and so forth, all sound like we are doing something about crime until you read the bills. The Amber Alert portion of the bill, already having passed the Senate unanimously, could pass the House and be on the President's desk within a few days. Instead, we are here today with this bipartisan noncontroversial bill, bogged down in controversial political sound bites that the Senate has not even seen fit to consider.

When you take a close look at these bills, you see why they do not warrant consideration. The two strikes bill says that a second-offense crime involving a minor would require a mandatory life term without parole eligibility. The bill would cover consensual touching between high school teens, even if they are 4 years apart in age. That means if an 18-year-old high school junior engages in consensual activity, including touching private parts, with a 14-year-old high school freshman girlfriend and is prosecuted at the insistence of irate parents in State court, gets probation, and then does it a second time in a national park, then the 18-year-old is not simply subject to punishment for 15 years, which is the current law, but mandated by this bill to serve a life sentence in prison without any discretion on the part of the judge.

Mr. CONYERS. Would the gentleman yield?

Mr. SCOTT. I yield.

Mr. CONYERS. For just a moment. I want to ask my friend, the Subcommittee Chairman, Howard Coble, why did you add all that other stuff that wasn't in the Senate bill?

Mr. COBLE. If the gentleman will yield.

Mr. SCOTT. I yield.

Mr. COBLE. I think I have an amendment that probably will address that subsequently, I say to the gentleman from Michigan.

Mr. CONYERS. Okay.

Mr. SCOTT. Reclaiming my time, I think he was talking about all of the stuff, not just one or two provisions.

Well, the best part of the bill is that these draconian provisions for the most part have very limited application; that is, because they would enact Federal laws, which, except for the extraterritorial applications of the sex tourism provisions, the provisions that only apply in traditional Federal jurisdiction, that is, national parks or, unfortunately, Native Americans on reservations. The Sentencing Commission indicates that about 75 percent

of the offenders prosecuted under the Federal provisions are Native Americans. So offenders who commit the same crime in the same State can get vastly different sentencing based on the fact one was on a reservation and another was across the street.

While two strikes and you're out, sex tourism, lifetime supervision, mandatory minimums, and death penalties, make good sound bites, they do not make good policy. One criminologist noted in our Committee that in the earlier version of the two strikes bill, when we punish lesser offenses such as consensual crimes with the same penalty reserved for the highest grade of murder, a child sex offender would have little to lose—if not an incentive—to kill the victim, who is often the only important witness against him.

The Amber Alert system has proven itself as something that actually assists in recovering abducted children. It is therefore too important to the lives and safety of such children to be used as a vehicle to try to get a bunch of politically calculated sound bites in the conference with the Senate because they lack merit to get there on their own. And this is not just true of the current Senate: Many of these provisions have been languishing in the Senate for the last 3 Congresses after passing the House without any Senate consideration.

So, Mr. Chairman, I would hope that we would put aside politics and pass a clean Amber Alert bill. In that regard, Mr. Chairman, I would ask unanimous consent that the Senate-passed bill, Amber Alert, that is Senate 121 which has been referred to this Committee, be added to today's markup for consideration, and I would ask unanimous consent that it be so added.

Mr. COBLE. I object.

Chairman SENSENBRENNER. Is there objection to adding the legislation that has been mentioned by the gentleman from Virginia to today's markup?

Mr. COBLE. I object, Mr. Chairman.

Chairman SENSENBRENNER. Objection is heard.

The gentleman's time has expired. Without objection, all Members' opening statements will be included in the record at this point.

[The prepared statement of Mr. Goodlatte follows:]

PREPARED STATEMENT OF THE HONORABLE BOB GOODLATTE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Thank you, Mr. Chairman, for holding a markup of this important legislation.

We have all been horrified lately at the news stories describing child abductions, rapes and even murders. Our prayers go out to those parents who are still living with unanswered questions and an emptiness that the loss of a child brings. H.R. 1104, the Child Abduction Prevention Act, cracks down on those criminals that violate our children and provides resources to boost the chances that abducted children will be safely recovered.

This legislation provides the necessary tools to help law enforcement officers apprehend and prosecute child exploiters. For one, it increases the minimum and maximum penalties for the sexual exploitation and sex trafficking of children. It also directs the sentencing commission to increase the base offense level for kidnapping. Furthermore, it removes the statute of limitations for child abductions and many felony sex offenses. By repealing these time limitations on prosecuting child exploiters, law enforcement officials will be able to go after a child predator regardless of when the crime occurred. This provision will be particularly helpful in situations where DNA evidence conclusively proves the identity of a perpetrator years after the crime was committed.

H.R. 1104 also provides resources, including funding, for the establishment of a national AMBER Alert program. First, the bill establishes an AMBER Alert coordi-

nator within the Department of Justice to assist states with their AMBER Alert plans. This coordinator will encourage states to adopt AMBER Alert plans and will help ensure regional cooperation among those plans. Second, the bill authorizes $5 million to be distributed to the Department of Justice for the development and enhancement of programs that support AMBER Alert plans.

In addition, the bill authorizes $20 million for fiscal year 2004 for the Secretary of Transportation to make grants to states for the development of communications programs along highways to help locate missing children. The bill also doubles the current federal grant to the National Center for Missing and Exploited Children. These resources will help to bring missing and abducted children safely back home to their parents.

As a member of the Congressional Missing and Exploited Children's Caucus, I have long been concerned about the safety of children, the most vulnerable among us. The Caucus has worked to build awareness around the issue of missing children, and to create a cohesive voice in Congress on the issue so that we might introduce and pass legislation that will strengthen law enforcement and community mobilization efforts to address child abduction. H.R. 1104 achieves these goals and I encourage each of my colleagues to support this important legislation.

[The prepared statement of Ms. Jackson Lee follows:]

SHEILA JACKSON LEE
18TH DISTRICT, TEXAS

COMMITTEES:
JUDICIARY
SUBCOMMITTEES:
CRIME
RANKING MEMBER
IMMIGRATION AND CLAIMS

SCIENCE
SUBCOMMITTEES:
SPACE AND AERONAUTICS
ENERGY

CHAIR
CONGRESSIONAL CHILDREN'S CAUCUS

REGIONAL WHIP
DEMOCRATIC CAUCUS

2ND VICE CHAIR
CONGRESSIONAL BLACK CAUCUS

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE:
403 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3816

DISTRICT OFFICE:
1919 SMITH STREET, SUITE 1180
THE GEORGE "MICKEY" LELAND FEDERAL BUILDING
HOUSTON, TX 77002
(713) 655-0050

ACRES HOME OFFICE:
6719 WEST MONTGOMERY, SUITE 204
HOUSTON, TX 77019
(713) 691-4882

HEIGHTS OFFICE:
420 WEST 19TH STREET
HOUSTON, TX 77008
(713) 861-4070

STATEMENT BY CONGRESSWOMAN SHEILA JACKSON LEE

HOUSE JUDICIARY COMMITTEE

MARK-UP

ON H.R. 1104, THE CHILD ABDUCTION PREVENTION ACT

March 18, 2003

I strongly support the end goals of this legislation; however, I am concerned about many of the provisions included in this legislation: the language on death penalties, mandatory minimum sentences, pre-trial release, and other provisions. I am offering three amendments today. My first amendment strikes the language in the bill completely. My second amendment replaces the bill

with authorization of funding of $20 million for the Missing Children's Assistance Act. My third amendment would focus the bill on the AMBER Alert language and to maintain the $20 million authorization for the Office of Juvenile Justice and Delinquency Prevention, which includes funding for the Missing Children's Assistance Act. While I wanted to offer an amendment to establish a DNA database for sex offenders, I support Jennifer Smart's father's wishes that Congress pass a stand alone Amber Alert system. To that end, I hope the committee will support my amendment.

The AMBER Alert program began as a local effort in my home state of Texas in 1996 after Amber Hagerman was abducted and murdered. We are reminded with the recent rescue of Jennifer Smart how devastating a child's abduction is to the family and to the community. When a child is abducted, parents need the immediate support of their communities. Time is of the essence.

The AMBER Alert program is one of the most successful of these programs.

It is a voluntary partnership through which police and local broadcasters issue urgent bulletins to the public as soon as a child is missing. AMBER Alerts use technology to disseminate information about child abductions in a timely manner. This technology includes an Emergency Alert System (EAS) broadcast, alerts on highway patrols and the field crews of public utilities. Several computer systems, such as the Emergency Digital Information System (EDIS) and TRAK (Technology to Recover Abandoned Kids), are utilized. Even America Online (AOL) has incorporated AMBER Alerts into its Instant Messenger service for its registered users.

My amendment would make the AMBER Alert program nationwide by creating a national coordinator for AMBER Alerts within the Department of Justice. More than 39 states and 100 local communities have established AMBER Alerts. Because

kidnappers can cross state lines with their victims, the Department of Justice is often involved in responding to an abduction. Hence, there is increased involvement in and support of AMBER Alert plans. AMBER stands for America's Missing: Broadcast Emergency Response.

This amendment would require the Attorney General to assign an officer within the Department of Justice to act as the national coordinator of the AMBER Alert communications network. This officer would be known as the AMBER Alert Coordinator of the Department of Justice.

In this capacity, the national coordinator would (1) seek to eliminate gaps in the network, including gaps in areas of interstate travel; (2) work with states to encourage the development of additional elements, known as local AMBER plans; and (3) work with states to ensure appropriate regional coordination of various elements of the network.

Concern about missing and exploited children gained national prominence over 20 years ago when 6-year-old Adam Walsh was abducted and killed. Consequently, several parents of missing children and other interested persons worked for the passage of the Missing Children's Act of 1982, and later for the Missing Children's Assistance Act of 1984 (MCAA) to assist in recovering such children and to bring the perpetrators to justice. The MCAA created the National Center for Missing and Exploited Children and required periodic incidence studies to determine the number of children reported missing and recovered in the nation in a given year. A study in 1999 found that 115 children were kidnapped by strangers. The Amber Alert program complement the efforts of the MCAA.

I believe that it is critical that the AMBER Alert program be carried out in consultation with the Federal Bureau of Investigation (FBI). And, the coordinator will work with the Secretary of

Transportation and the Federal Communications Commission in implementing this program.

This amendment also authorizes a grant program within the Department of Transportation for notification and communications systems along highways for recovery of abducted children; in addition, to a grant program for support of AMBER Alert communications plans within the Department of Justice. The amendment authorizes $20 million for the Department of Transportation and $25 million for the Department of Justice.

Research has found that most abducted children murdered by their kidnappers are killed within three hours of the abduction. Prompt and timely responses are critical.

We can all agree that measures such as better technology for and training of law enforcement and other public service personnel, as well as the standardization of procedures and

vocabulary will enhance the efforts already underway and get more states and local jurisdictions on board with Amber Alert systems. My amendment essentially strikes out the unrelated extraneous provisions on criminal penalties and other language to focus our efforts solely on implementing nationwide the Amber Alert system.

The Amber Alert provisions have the support from a number of groups and constituencies. The Polly Klaas Foundation recently wrote to Congress urging passage of a freestanding bill on the Amber Alert system. I would like to submit this letter for the record. I hope my colleagues will support this amendment.

Chairman SENSENBRENNER. Are there amendments to the bill?

The gentleman from North Carolina.

Mr. COBLE. I have an amendment at the desk, Mr. Chairman.

Chairman SENSENBRENNER. The Clerk will report the amendment.

Mr. COBLE. It is Coble OO3.

The CLERK. Amendment to H.R. 1104 offered by Representative Coble:

Page 2, line 16, strike chapter 109A, 110, 117—.

Mr. COBLE. Mr. Chairman, I ask unanimous consent the amendment be considered as read.

Chairman SENSENBRENNER. Without objection, the amendment is considered as read and the gentleman from North Carolina is recognized for 5 minutes.

[The amendment follows:]

AMENDMENT TO H.R. 1104

OFFERED BY MR. COBLE

Page 2, line 16, strike ''chapter 109A, 110, 117, or section 1591'' and insert ''section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425''.

Page 11, beginning in line 13, strike ''2243(a) (relating to sexual abuse of a minor),''.

Page 11, line 17, after the comma insert ''2251 (relating to sexual exploitation of children),''.

Page 11, line 17, strike ''or''.

Page 11, line 18, before the semicolon insert ''or 2422(b) (relating to coercion and enticement of a minor into prostitution)''.

Page 15, line 17, strike ''109A, 110, 117, or section 1591'' and insert ''section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425''.

Replace section 221 with the following:

Section 3142(e) of title 18, United States Code, is amended by striking ''or 2332b'' and inserting ''1201,

1591, 2241, 2242, 2244(a)(1), 2242(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2332b, 2421, 2422, 2423, or 2425''.

Mr. COBLE. I say to my friend from Michigan, John, I think my amendment will address some of your concerns. But to extend your question, we might just ask why the Senate didn't consider some of our situations in our bill, and I think the reason we didn't do the Senate bit was because, I believe, the comprehensive approach is preferable. But we can maybe get to that at a later time.

Mr. Chairman, I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for the remainder of the time.

Mr. COBLE. Mr. Chairman, this amendment would remove the crime of statutory rape as an underlying offense to the sections of the bill concerning lifetime supervision, two strikes, no statute of limitation, and no pretrial release. I am offering this amendment in response to several concerns, and I know Mr. Scott of Virginia had some concerns about these as well.

This is not to say that Federal statutory rape is not a serious crime. On the contrary, it is. But the obvious exploitative nature of a relationship between a child under the age of 16 and someone at least 4 years older warrants the harsh punishment contained in the current law. However, I would rather see the increased penalties and restrictions on defendants contained in the bill apply only to cases that do not involve consensual sexual acts.

Under the amended language of the bill, only the most serious crime of sexual abuse or coercion would subject a defendant to the increased penalties of the bill. Based upon this reasoning, this amendment would also add two sections of title 18 to the list of crimes that would subject a defendant to the possibility of mandatory life imprisonment following a second conviction. Those crimes are section 2251, relating to raping a child in the production of child pornography, and section 2422(b), relating to coercion or enticement of a minor to engage in prostitution.

These crimes are consistent with the premise that persons who repeatedly commit serious sex offenses against children should be incarcerated permanently.

I urge my colleagues to support this amendment.

Chairman SENSENBRENNER. Does the gentleman yield back?

Mr. COBLE. I yield back.

Chairman SENSENBRENNER. The gentleman from Virginia, Mr. Scott.

Mr. SCOTT. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, I am just seeing this for the first time and it is written in section by section. We are trying to go back and forth to see what is what.

So let me ask a couple of questions. The gentleman in his statement mentioned something about pretrial release and statute of limitations. Could he say what the amendment does to pretrial release and statute of limitations?

Mr. COBLE. If the gentleman will yield, it removes statutory rape from the underlying sections.

Mr. SCOTT. What about pretrial release and statute of limitations?

Mr. COBLE. Well, the pretrial release would be the same thing, with the direction of the judge after release.

Mr. SCOTT. Did the underlying bill prohibit pretrial release for some of these charges?

Mr. COBLE. That's correct.

Mr. SCOTT. And did you remove that section?

Mr. COBLE. If the gentleman would yield, it would remove statutory rape.

Mr. SCOTT. I am a little confused, then.

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. SCOTT. I yield.

Chairman SENSENBRENNER. What this amendment does is it takes statutory rape out of the entire bill, which hits the point the gentleman made in his opening statement. It includes two heinous crimes that were not in the original bill, which were rape of a minor in the production of child pornography and coercion and enticement of a minor into prostitution. So they would be included in the denial of pretrial release in the other provisions of the bill, but statutory rape would be taken out.

Mr. SCOTT. Reclaiming my time. The bill, with the amendment, then, would still prohibit pretrial release for the serious offenses.

Chairman SENSENBRENNER. If the gentleman would yield, yes, but would not prohibit pretrial release for statutory rape.

Mr. SCOTT. Okay, thank you.

Chairman SENSENBRENNER. Does the gentleman yield back?

Mr. SCOTT. I yield back.

Chairman SENSENBRENNER. The question is on the Coble amendment.

Those in favor will say aye.

Opposed, no.

The ayes appear to have it. The ayes have it.

Are there further amendments?

Mr. COBLE. I have an amendment at the desk.

Chairman SENSENBRENNER. The gentleman from North Carolina.

The CLERK. Amendment to H.R. 1104 offered by Mr. Coble:

Page 19, strike line 20, and all that follows through—.

Mr. COBLE. Mr. Chairman, I ask unanimous consent the amendment be considered as read.

[The amendment follows:]

AMENDMENT TO H.R. 1104
OFFERED BY MR. COBLE

Page 19, strike line 20 and all that follows through line 5 on page 21 and insert the following:

SEC. 303. GRANT PROGRAM FOR NOTIFICATION AND COMMUNICATIONS SYSTEMS ALONG HIGHWAYS FOR RECOVERY OF ABDUCTED CHILDREN.

(a) PROGRAM REQUIRED.—The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

(b) DEVELOPMENT GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State under this subsection for the development of a State program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. The State program shall provide for the planning, coordination, and design of systems, protocols, and message sets that support the coordination and communication necessary to notify motorists about abductions of children.

(2) ELIGIBLE ACTIVITIES.—A grant under this subsection may be used by a State for the following purposes:

(A) To develop general policies and procedures to guide the use of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(B) To develop guidance or policies on the content and format of alert messages to be conveyed on changeable message signs or other traveler information systems.

(C) To coordinate State, regional, and local plans for the use of changeable message signs or other transportation related issues.

(D) To plan secure and reliable communications systems and protocols among public safety and transportation agencies or modify existing communications systems to support the notification of motorists about abductions of children.

(E) To plan and design improved systems for communicating with motorists, including the capability for issuing wide area alerts to motorists.

(F) To plan systems and protocols to facilitate the efficient issuance of child abduction notification and other key information to motorists during off-hours.

(G) To provide training and guidance to transportation authorities to facilitate appropriate use of changeable message signs and other traveler information systems for the notification of motorists about abductions of children.

(c) IMPLEMENTATION GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant to a State under this subsection for the implementation of a program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. A State shall be eligible for a grant under this subsection if the Secretary determines that the State has developed a State program in accordance with subsection (b).

(2) ELIGIBLE ACTIVITIES.—A grant under this subsection may be used by a State to support the implementation of systems that use changeable message signs or other motorist information systems to notify motorists about abductions of children. Such

support may include the purchase and installation of changeable message signs or other motorist information systems to notify motorists about abductions of children.

(d) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.

(e) DISTRIBUTION OF GRANT AMOUNTS.—The Secretary shall, to the maximum extent practicable, distribute grants under this section equally among the States that apply for a grant under this section within the time period prescribed by the Secretary.

(f) ADMINISTRATION.—The Secretary shall prescribe requirements, including application requirements, for the receipt of grants under this section.

(g) DEFINITION.—In this section, the term ''State'' means any of the 50 States, the District of Columbia, or Puerto Rico.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for fiscal year 2004. Such amounts shall remain available until expended.

(i) STUDY OF STATE PROGRAMS.—

(1) STUDY.—The Secretary shall conduct a study to examine State barriers to the adoption and

implementation of State programs for the use of communications systems along highways for alerts and other information for the recovery of abducted children.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with any recommendations the Secretary determines appropriate.

Page 22, line 14, strike ''2003'' and insert ''2004''.

Mr. WATT. Reserving a point of order.

Chairman SENSENBRENNER. Point of order is reserved. The gentleman from North Carolina is recognized for 5 minutes.

Mr. COBLE. Mr. Chairman, this amendment, I believe, will be technical.

Apparently, there is a mistake in the drafting of the legislative language in section 303 of the bill. That section authorizes $20 million for the Secretary of Transportation to carry out a program to provide grants to States for the development or enhancement of notification or communication systems along highways for alerts and other information for the recovery of abducted children.

The Department of Transportation has been developing an Amber program grant since October 2002, and has put a lot of time and effort into developing the guidelines for their program. The current language of section 303 conflicts with those guidelines.

For example, the current Amber Alert program allows the Federal share of any grant to be up to 80 percent. Section 303, as currently drafted, only allows a Federal share of up to 50 percent. Enactment of these provisions, as currently drafted, would have hindered these funds from getting to the States in a timely manner. The Department of Transportation would have had to start back at square one, it seems to me, and redevelop their guidelines or create a new and separate Amber Alert program, alongside its current program. This would have only led to confusion and wasted resources.

The language in this amendment authorizes the same $20 million to the Department of Transportation, but the guidelines for the grant program mirrors the guidelines that are currently in place at the Department. Mr. Chairman, this amendment is being offered at the request of Chairman Young and Ranking Member Oberstar of the Committee on Transportation and Infrastructure.

I guess, Mr. Chairman and colleagues, what it amounts to is that there are two separate Amber Alert programs involving two separate Federal entities, i.e. Transportation and Justice. And I urge my colleagues to support the amendment.

Chairman SENSENBRENNER. Does the gentleman yield back?

Mr. COBLE. I yield back.

Chairman SENSENBRENNER. Does the gentleman from North Carolina insist on his point of order?

Mr. WATT. No, Mr. Chairman, I withdraw my point of order.

Chairman SENSENBRENNER. The point of order is withdrawn.

The question is on the amendment offered by the gentleman from North Carolina, Mr. Coble.

Before putting the question, the Chair would like to ask unanimous consent to introduce into the record at this point a letter from Chairman Young of the Committee on Transportation and Infrastructure relative to this issue and this amendment.

Without objection, the letter is included.

[The material referred to follows:]

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

Don Young
Chairman

James L. Oberstar
Ranking Democratic Member

Lloyd A. Jones, Chief of Staff
Elizabeth Megginson, Chief Counsel

David Heymsfeld, Democratic Chief of Staff

March 18, 2003

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Sensenbrenner:

I am writing with regard to H.R. 1104, the Child Abduction Prevention Act, which will be marked up by the Committee on the Judiciary on March 18, 2003. As you know, the Committee on Transportation and Infrastructure was named as an additional Committee of jurisdiction upon the bill's introduction.

Section 303 of the bill, as introduced, establishes a Department of Transportation (DOT) grant program to provide for communications systems along highways for alerts to facilitate the recovery of abducted children. This falls within the jurisdiction of the Transportation and Infrastructure Committee. I appreciate your willingness to work with me to redraft the provision to make it consistent with the program that DOT currently has underway. This language has been shared with our minority and they have signed off on it.

I recognize your desire to bring this important bill before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a sequential referral of the legislation. This is conditional on including in H.R. 1104 the modifications to section 303 as we have agreed to either in your Committee markup or as a manager's amendment on the House Floor. By agreeing to waive its consideration of the bill, however, the Committee on Transportation and Infrastructure does not waive its jurisdiction over H.R. 1104. In addition, the Transportation and Infrastructure Committee reserves its right to seek conferees on provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Transportation and Infrastructure Committee for conferees on H.R. 1104.

I request that you include a copy of our exchange of letters in your Committee's report on H.R. 1104 and in the *Congressional Record* during consideration on the House Floor. Thank you.

Sincerely,

DON YOUNG
Chairman

cc: The Honorable James L. Oberstar
The Honorable Charles W. Johnson, III

Chairman SENSENBRENNER. The question now is on the Coble amendment 021.

Those in favor will say aye.

Those opposed, no.

The ayes appear to have it. The ayes have it and the amendment is agreed to.

Are there further amendments?

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The Clerk will report the amendment.

Ms. JACKSON LEE. Amendment number 2.

The CLERK. Amendment to H.R. 1104 offered by Ms. Jackson Lee: Amendment number 2, strike Titles I, II, and III.

[The amendment follows:]

AMENDMENT - #2 – Congresswoman Sheila Jackson Lee

Strike Titles I, II, III

Chairman SENSENBRENNER. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON LEE. I thank the Chairman, the Ranking Member, and the Ranking Member and Chairman of the Subcommittee. This amendment is simple in its intent, and that is, to respect the content and quality and importance of the Amber Alert as it was designed in the State of Texas.

I have been informed, Mr. Chairman, to ask unanimous consent to strike III from my amendment, please.

Chairman SENSENBRENNER. Reserving the right to object, why is that?

Ms. JACKSON LEE. Because I would like to only strike I and II. That is why, Mr. Chairman.

Chairman SENSENBRENNER. Further reserving the right to object, does striking Title III strike the Amber Alert part of the bill?

Ms. JACKSON LEE. I am correcting the amendment, Mr. Chairman, to strike I and II.

Chairman SENSENBRENNER. Further reserving the right to object, is Title III the Amber Alert part of the bill?

Ms. JACKSON LEE. I am correcting the amendment, and I am——

Chairman SENSENBRENNER. Without objection, her modification is agreed to.

Ms. JACKSON LEE. Thank you, Mr. Chairman, for your kindness.

Let me go on record, Mr. Chairman, as I know you do, I enthusiastically support the Amber Alert freestanding Senate bill. But more importantly, let me refer to the Amber Alert concept that was designed in the State of Texas, specifically, and tragically in Dallas, with the loss of one of our young people that lost her life.

I believe it is extremely important to recognize where we are today, with again the climate of security changing in this Nation,

with the recognition that as we sit here today a child is being either abducted or, if you will, assaulted, and that the importance of moving this legislation should really take priority over, in fact, Mr. Chairman, many of the valid legislative initiatives that may be included.

Research has found that most abducted children murdered by their kidnappers are killed within 3 hours of their abduction. Prompt and timely responses are critical. As we have been able to discern from the facts now generated through Elizabeth Smart's abduction, she remained within the parameters of her home throughout the entire time, 20, 30 miles away, and maybe only as far as Las Vegas. It means that the input of the community was vital.

Mr. Smart made it very clear that in finding his daughter he owed a great deal of gratitude to the notifications given to the larger community. So we know the concept of the Amber Alert works. We have already noted the media can be very instrumental. In my own hometown, the new transportation system, the lighted boards, are very instrumental in notifying motorists to look for a certain type of vehicle and a certain type of plate, if you will.

So I would hope that we could move the legislation as the Senate has provided us. And I do want to speak to Mr. Coble's point, that it is not in disrespect to the work of the House of Representatives; rather, it is in respect of that work that we too want to be able to ensure that a freestanding bill is immediately passed and goes to the President's desk, particularly as the winds of war are blowing and particularly as most of the child support groups and groups that advocate children's issues believe that this bill is a good bill as it stands and will help to save lives.

Mr. CANNON. Would the gentlelady yield?

Ms. JACKSON LEE. I would be happy to yield.

Mr. CANNON. This is, of course, a confusing and difficult issue for many of us who are dealing with it. It is my understanding that the Justice Department has administratively, essentially, done what is in the Senate's Amber Alert bill.

Can you explain to me what the difference between passing this section 3 alone would do in addition to what is happening currently and administratively through the Justice Department?

Ms. JACKSON LEE. I'd be happy to explain it, as I so interpret it, and that is my recollection of administrative law in law school. It is what it is. They are internal procedures operated by administrative fiat, if you will, to be overturned by statutory law. If we pass this bill—.

Mr. CANNON. Will the gentlelady yield?

Ms. JACKSON LEE. Let me continue. I am reclaiming my time. If we pass this bill, this bill would be statutory, signed by the President into law—.

Chairman SENSENBRENNER. The gentlewoman's time has expired.

Ms. JACKSON LEE.—and would be an effective legislative initiative. So I would ask my colleagues to support the legislation.

Chairman SENSENBRENNER. The Chair recognizes himself for 5 minutes.

First of all, I think that the amendment prior to this one shows how useful dispassionate Committee consideration of legislation is.

The Amber provisions of my bill, as well as in the stand-alone Senate-passed bill, had the problem that was drawn to our attention by the Chairman and Ranking Member of the Infrastructure and Public Works Committee. So the Senate bill required an amendment, just as my bill requires an amendment. And that is why using the process in considering legislation in Committee is so very important, so that we can do it right the first time.

Secondly, I am going to ask unanimous consent to include a letter that the Justice Department sent me today which says that the Attorney General has already implemented administratively the Amber program, in that he has appointed an assistant attorney general as the national coordinator of Amber programs, and there was a reprogramming so that there is over $10 million for grants to States in the Justice Department to establish and maintain Amber programs.

[The material referred to follows:]

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 18, 2003

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter regarding the status of the AMBER Alert initiative at the Department of Justice. As you are aware, the Department has worked on implementing several activities related to the AMBER Alert initiative.

On October 2, 2002, the President directed the Attorney General to designate an AMBER Alert Coordinator within the Department of Justice, which he did that same day, naming the Assistant Attorney General for the Office of Justice Programs. Further to the President's directive and the Department of Justice Appropriations Act, 2003, Pub. L. No.108-7, the Department's AMBER Alert activities currently are conducted pursuant to 5 U.S.C. § 301; 28 U.S.C. § 510; and 42 U.S.C. §§ 3712(a)(2), (3), & (6), 5771-80. The Department has proceeded under the President's directive to implement components of AMBER Alert pursuant to these statutes, and it has not been hampered in its efforts by the lack of a specific authorization.

In addition to these efforts, the Administration continues to support the passage of H.R. 1104, the Child Abduction Prevention Act. H.R. 1104 provides a comprehensive approach that will strengthen the Government's ability to prevent, investigate, prosecute and punish the full range of serious violent crimes that are far too frequently committed against this nation's children. H.R. 1104 would not only codify the Justice Department's ongoing efforts to support AMBER plans nationwide, but would also provide much-needed enforcement tools to help ensure that those who would prey upon children are captured, severely punished, and prevented from harming again. Moreover, consistent with the President's budget request, the Department welcomes the authorization of additional funding for AMBER Alert education, training, and other programs contained in H.R. 1104 and its Senate companion, S. 121.

Thank you for your leadership and support in protecting our nation's children. If we can be of further assistance, please feel free to contact this office.

Sincerely,

Jamie E. Brown

Jamie E. Brown
Acting Assistant Attorney General

cc: The Honorable John Conyers, Jr.
Ranking Minority Member

I think that this indicates that the rush to pass a stand-alone bill is really duplicating the efforts that the Justice Department made last fall and was not properly drafted when it passed the Senate, and fortunately we have been able to correct it.

Now, there are some who have labeled the provisions of the bill that the gentlewoman from Texas wants to strike as extraneous. These so-called extraneous provisions provide for a 20-year mandatory minimum sentence of imprisonment for abductions of children under the age of 18, mandatory life imprisonment for second-time offenders, removes the statute of limitations for child abductors and sex offenders, denies pretrial release for those who rape and kidnap children, and allows local law enforcement agencies to receive funding to establish sex offender apprehension programs and doubles the authorization for the National Center for Missing and Exploited Children to $20 million per year. None of these provisions are considered extraneous; not by the Justice Department, the National Center for Missing and Exploited Children, or the 390 Members of Congress who voted for this bill last year, which included then Leader Gephardt, present Leader Pelosi, and Mr. Berman from this Committee.

The stand-alone Amber bill calls for a national coordinator. On October 2, 2002, the President signed an Executive Order to direct the Attorney General to designate that assistant as the national coordinator. There is a lot of funding that is available. Some has not even been applied for. Between Justice and Transportation, they have almost $12.5 billion in the bank ready to spend on Amber programs, $5.5 million in Justice, and $7 million in Transportation.

Let us be clear: If the Senate's Amber bill were enacted into law today, nothing that is currently going on would change. The bill merely supplants the Department of Justice's general authorization with a specific authorization. The money is there now. The money would be there in the future if this bill would pass.

I think that the other provisions of this bill put emphasis on the prevention of kidnapping and the prevention of the exploitation of children for sexual gratification. I think prevention is much, much more important than notification is, important though it may be; because once there is a kidnapping or a molestation, then that child is scarred for the rest of their life. So by allowing the law to change to try to prevent a kidnapping and molestation to begin with, we save those children from being scarred. Once they are kidnapped, Amber is important to alert law enforcement and the public to track down those who are responsible and to reunite the children with their families.

I do not think we should ignore prevention while we are attempting to improve notification. Both of these things go together. Both of them are important. And I would hope that the other body, as a result of all the publicity that has come out on this issue, would deal with the prevention issues, which they have failed to do in the past.

I yield back the balance of my time.

The gentlewoman from California, Ms. Sánchez.

Ms. SÁNCHEZ. Mr. Chairman, I move to strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. SÁNCHEZ. I yield my time to the gentlewoman from Texas.

Ms. JACKSON LEE. I thank the gentlewoman from California, and again welcome her as a very vital Member of our Committee.

Mr. Chairman, let me try to respond to some of the points that you have made. First of all, let me say that the legislative initiatives that have been offered, that have been added to the Amber Alert legislation, should not be mutually exclusive for being reviewed by this Committee and from being entertained not only by this Committee in the House but the Senate Committee on the Judiciary. They have merit.

But let me distinguish why it is important to move on a freestanding Amber Alert legislative in addition. First of all, Senator Kay Bailey Hutchison and Senator Feinstein, who offered this legislation, have captured it. If we can pass this bill quickly, the President, although he has put in place an Executive Order, what our legislation does is that it has—and this is a comment from Senator Hutchison—it has a strong, if you will, legitimate monetary component. We do double the funding for the Amber Alert to try to help States set up Amber Alert systems to have their communication systems and good education systems, and that is why we want it passed right away.

But even though prevention is a very commendable and important effort, the parents and people of the United States want to ensure that if their child is abducted, that we have a system in place that provides that that child could be found within a 3-hour period, or has the potential of doing so. If we have a freestanding Amber Alert bill that is passed now, we begin to implement a system under a past legislative initiative, a system that could help us find children within a few hours of the time that they are abducted.

My question to this Committee is why are we standing on principle, if you will, of having to merge these maybe very fine legislative initiatives, when we could easily pass the Amber Alert, have the Senate bill as the standing bill, as was asked by the Ranking Member, and we could then have this legislation signed by the President and then proceed with the very fine legislative initiative that some of us may in fact agree with? What we are doing now is causing an elongated conference process that begs the question of whether or not we help solve the problem that is at hand, and that is the finding of abducted children and putting a system in place that will help those children be found.

I would argue that it is important to move this legislation without these additional provisions, and I would argue that it would be in compliance with the needs of the American people.

Let me also ask unanimous consent and cite from the Polly Klaas Foundation that urges Congress to pass H.R. 412, and ask unanimous consent to have this statement included, and I would like to read it partially.

Chairman SENSENBRENNER. Without objection.

[The material referred to follows:]



The Polly Klaas Foundation urges Congress to immediately pass HR 412 as a freestanding bill

For information contact: Mike Smith or Michelle Mulkey at 415-901-0111

Statement of Jenni Thompson, Director of Public Affairs:

"The public has spoken. Now is the time for a national AMBER Alert. Not next week, not next month and not the next time another child goes missing. It should not take the recovery, abduction or murder of a child to make an effective tool like the AMBER Alert a reality.

"The Senate quickly passed a stand-alone AMBER bill months ago, and the House should do the same now. Every day that the national Amber Alert bill languishes in the House Judiciary Committee, so does the safety of our children.

"HR 412 is a popular, bipartisan bill from Rep. Martin Frost (D-TX) and Rep. Jennifer Dunn (R-WA) that would establish a National AMBER Alert Network. Rep. James Sensenbrenner, Chairman of the House Judiciary Committee, has refused to allow his committee to consider HR 412 as a freestanding bill and instead insists on adding unrelated provisions that the Senate has previously contested and is unlikely to approve.

"We recognize Chairman Sensenbrenner's interest in protecting children but ask that he heed the will of the people and allow the passage of the clean, stand-alone AMBER bill in his committee. We do not take any position on his other provisions and are solely focused on the quick creation of the National AMBER Alert Network. Chairman Sensenbrenner can introduce his provisions in a future bill, but trying to use the momentum and public support for an AMBER plan is a dangerous tactic that could doom the bill altogether, as it did last year.

"The Polly Klaas Foundation has been working the past year to implement AMBER Alerts in every state and nationally. It is an invaluable tool for aiding in the recovery of abducted children and has already saved 51 lives across America. In the past week, alone, three children in California have been saved by the state's alert system, and we believe the same protection should be guaranteed across all city and state borders. We greatly appreciate and support the work of Rep. Frost and others endorsing the stand-alone bill, and our greatest concern is doing whatever it takes to pass HR 412.

"The safe recovery of Elizabeth Smart was a great ending to a terrible ordeal. From our ten years of working on thousands of missing children cases, we sadly know that the outcomes of such abductions are rarely positive. Unfortunately, children go missing every day in this country, making the failure to immediately approve the AMBER Alert bill a dangerous political game."

Founded in 1993, the Polly Klaas Foundation is a national nonprofit that helps find missing children and prevents children from going missing in the first place. The Foundation accomplishes its goals by promoting public policies, educating the public and providing families, law enforcement and communities with the ongoing support and expertise needed to protect our children. The Foundation has worked on more than 5,000 cases and is headquartered in Petaluma, California.

Ms. JACKSON LEE. The Polly Klaas Foundation has been working the past year to implement Amber Alerts in every State and nationally. It is an invaluable tool for aiding in the recovery of abducted children and has already saved 51 lives across America. In the past week alone, three children in California have been saved by the State's alert system, and mind you, other States do not have it in place. We believe this same protection should be guaranteed across all city and State borders. We greatly appreciate and support the work of Representative Frost and others endorsing this stand-alone bill, and our greatest concern is doing whatever it takes for one to pass. The safe recovery of Elizabeth Smart was a great ending to a terrible ordeal. From our 10 years of working on thousands of missing children, we sadly know that the outcomes of such abductions are rarely positive. Unfortunately, children go missing every day in this country, making the failure to immediately approve the Amber Alert bill a dangerous political game. Although I know there is great sincerity on behalf of all who are interested in the additional provisions, it is my plea that we can do both, pass the Amber Alert and review these other amendments in time, and work with Senate so that other prevention measures can be passed.

With that, I ask my colleagues to be able to support this amendment. I yield back.

Chairman SENSENBRENNER. Does the gentlewoman from California yield back?

Ms. SÁNCHEZ. Yes, Mr. Chairman.

Mr. KELLER. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from Florida, Mr. Keller.

Mr. KELLER. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. KELLER. Mr. Chairman, I would like to address head-on an argument that has been made here today, that we should essentially separate out the Amber Alert portion of the bill from the other bills that have been labeled as more controversial to assure the passage in Congress.

Two arguments have been advanced for this position. I took notes when Mr. Scott was speaking. First, he said this bill, packaging both things together, is controversial, partisan, and is made for political sound bites.

Well, the almost identical noncontroversial bill, called the Child Abduction Prevention Act, passed the United States House of Representatives on October 8, 2002, by a vote of 390 to 24. That means 94 percent of the Members of the United States Congress voted yes, including Mr. Gephardt, Ms. Pelosi, Mr. Frost, and Berman. Surely these statesmen in the Democratic Party would not engage in tactics that are controversial or partisan.

The second argument has been made that nothing in these other provisions, such as two strikes and you're out, will reduce crime and so we should throw those out and only pass the Amber Alert portion.

I would remind my colleagues that Mr. Ernie Allen, the President of the National Center for Missing and Exploited Children, testified as to the overwhelming amount of recidivism for child mo-

lesters, which is relevant, for example, to the two strikes and you're out provision for child sex crimes. Obviously, if someone is in prison after committing two of these crimes and being convicted, they are not going to molest anymore children.

According to what we learned from Mr. Allen, the typical sex offender molests 117 children in his lifetime. That is pretty relevant to the parents of those children. Molesters of boys have a 40 percent recidivism rate, molesters of girls have a 29 percent recidivism rate, rapists have a 35 percent recidivism rate, those who commit minor sex offenses, such as exhibitionists, have a 71 recidivism rate.

So I would say the evidence is quite to the contrary, that there are prevention aspects in this that would help reduce crime.

Mr. Chairman, I yield back the balance of my time.

Chairman SENSENBRENNER. The gentleman from Virginia, Mr. Scott.

The gentleman is recognized for 5 minutes.

Mr. SCOTT. Mr. Chairman, as we talk about prevention, I apologize, the amendment that we adopted was only available as we came to the markup, so I haven't gone through all of it, but it is my understanding that only the serious offenses are left. And if you go through the code, virtually all of them allow the death penalty and life without parole already as a sentence in appropriate cases. And if you are not deterred by that, you are not going to be deterred by whatever is in this bill. There will be prevention of death and injury if we can implement the Amber Alert bill.

Now, we said last year that if we added all of these things to the bill, it would kill the bill because the Senate wouldn't take them up. That is what we said, and that is what happened. Although the bills flew through the House as if they were noncontroversial, they were not even taken up by the Senate, and it is unlikely that the Senate is going to take up this measure.

The Senate has had the sex tourism and the two strikes bills before it for several Congresses. It has not passed them. It is unlikely that the addition of the Amber Alert will change their opinion of those provisions. This amendment will make it possible to pass the Amber Alert bill so that children can be saved.

So I would ask that we would pass the Amber Alert bill. And if we insist on the other provisions, pass them as freestanding bills, send them to the Senate where they can sit there for the next year and a half before they die. I would hope that we would adopt the amendment and pass the Amber Alert bill.

Chairman SENSENBRENNER. The question is on the amendment offered by the gentlewoman from Texas, Ms. Jackson Lee.

Those in favor will say aye.

Opposed, no.

The noes appear to have it. The noes have it.

Ms. JACKSON LEE. Mr. Chairman, I ask for a rollcall.

Chairman SENSENBRENNER. rollcall is ordered.

Those in favor of the Jackson Lee amendment will, as your names are called, answer aye. Those opposed, no.

The Clerk will call the roll.

The CLERK. Mr. Hyde.

[No response.]

The CLERK. Mr. Coble.

Mr. COBLE. No.
The CLERK. Mr. Coble votes no.
Mr. Smith.
Mr. SMITH. No.
The CLERK. Mr. Smith votes no.
Mr. Gallegly.
[No response.]
The CLERK. Mr. Goodlatte.
Mr. GOODLATTE. No.
The CLERK. Mr. Goodlatte votes no.
Mr. Chabot.
Mr. CHABOT. No.
The CLERK. Mr. Chabot votes no.
Mr. Jenkins.
Mr. JENKINS. No.
The CLERK. Mr. Jenkins votes no.
Mr. Cannon.
Mr. CANNON. No.
The CLERK. Mr. Cannon votes no.
Mr. Bachus.
[No response.]
The CLERK. Mr. Hostettler.
Mr. HOSTETTLER. No.
The CLERK. Mr. Hostettler votes no.
Mr. Green.
[No response.]
The CLERK. Mr. Keller.
Mr. KELLER. No.
The CLERK. Mr. Keller votes no.
Ms. Hart.
Ms. HART. No.
The CLERK. Ms. Hart votes no.
Mr. Flake.
[No response.]
The CLERK. Mr. Pence.
Mr. PENCE. No.
The CLERK. Mr. Pence votes no.
Mr. Forbes.
Mr. FORBES. No.
The CLERK. Mr. Forbes votes no.
Mr. King.
[No response.]
The CLERK. Mr. Carter.
Mr. CARTER. No.
The CLERK. Mr. Carter votes no.
Mr. Feeney.
Mr. FEENEY. No.
The CLERK. Mr. Feeney votes no.
Mrs. Blackburn.
Mrs. BLACKBURN. No.
The CLERK. Mrs. Blackburn votes no.
Mr. Conyers.
Mr. CONYERS. Aye.
The CLERK. Mr. Conyers votes aye.
Mr. Berman.

[No response.]
The CLERK. Mr. Boucher.
[No response.]
The CLERK. Mr. Nadler.
[No response.]
The CLERK. Mr. Scott.
Mr. SCOTT. Aye.
The CLERK. Mr. Scott votes aye.
Mr. Watt.
Mr. WATTS. Aye.
The CLERK. Mr. Watts votes aye.
Ms. Lofgren.
[No response.]
The CLERK. Ms. Jackson Lee.
Ms. JACKSON LEE. Aye.
The CLERK. Ms. Jackson Lee votes aye.
Ms. Waters.
[No response.]
The CLERK. Mr. Meehan.
[No response.]
The CLERK. Mr. Delahunt.
[No response.]
The CLERK. Mr. Wexler.
Mr. WEXLER. No.
The CLERK. Mr. Wexler votes no.
Ms. Baldwin.
[No response.]
The CLERK. Mr. Weiner.
[No response.]
The CLERK. Mr. Schiff.
[No response.]
The CLERK. Ms. Sánchez.
Ms. SÁNCHEZ. Aye.
The CLERK. Ms. Sánchez votes aye.
Mr. Chairman.
Chairman SENSENBRENNER. No.
The CLERK. Mr. Chairman votes no.
Chairman SENSENBRENNER. Are there Members who wish to cast or change their vote? The gentleman from Alabama, Mr. Bachus.
Mr. BACHUS. No.
The CLERK. Mr. Bachus, no.
Chairman SENSENBRENNER. Further Members who wish to cast or change their vote?
If not, the Clerk will report.
The CLERK. Mr. Chairman, there are 5 ayes and 17 noes.
Chairman SENSENBRENNER. The amendment is not agreed to.
I have a further amendment at the desk.
The CLERK. Amendment to H.R. 1104, offered by Representative Sensenbrenner. Section 302(b) is amended by adding after paragraph——
Chairman SENSENBRENNER. Without objection, the amendment is considered as having been read.
[The amendment follows:]

Amendment Offered by Rep. Sensenbrenner

Section 302(b) is amended by adding after paragraph (1) the following new paragraph and redesignate subsequent paragraphs accordingly:

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the special needs of an abducted child (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

Mr. WATT. Reserving the right to object.

Chairman SENSENBRENNER. The minority has had this amendment. The minority was given this amendment a few minutes ago.

Mr. WATT. I'm sorry, Mr. Chairman, I had not seen it. I'm sorry. I will withdraw my reservation.

Chairman SENSENBRENNER. Without objection, the amendment is considered as read, and the Chair recognizes himself for 5 minutes.

This amendment is offered at the request of Representative Frank Wolf of Virginia. He has requested the Amber Alert system include provisions to alert pharmacies, doctors' offices, health clinics and emergency rooms, all of which a kidnapper may visit when the abducted child is sick or reacting to a lack of medication related to a disability. This would provide the information relative to the disability so that it would be disseminated. This change is a good idea, regardless of whether or not the child is disabled, as the kidnapper may have to visit one of these locations with an abducted child.

I would ask unanimous consent that the letter from Congressman Wolf to me dated March 13 be included in the record at this point.

Without objection, it is.

[The material referred to follows:]

FRANK R. WOLF
10TH DISTRICT, VIRGINIA

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEES:
CHAIRMAN—COMMERCE-JUSTICE-STATE AND JUDICIARY
HOMELAND SECURITY
TRANSPORTATION-TREASURY AND RELATED AGENCIES

CO-CHAIR—CONGRESSIONAL HUMAN RIGHTS CAUCUS

241 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–4610
(202) 225–5136

13873 PARK CENTER ROAD
SUITE 130
HERNDON, VA 20171
(703) 709–5800
(800) 945–9653 (IN STATE)

110 NORTH CAMERON STREET
WINCHESTER, VA 22601
(540) 667–0990
(800) 850–3463 (IN STATE)

www.house.gov/wolf/

Congress of the United States
House of Representatives
March 13, 2003

The Honorable F. James Sensenbrenner, Jr.
Chairman
House Judiciary Committee
2138 Rayburn HOB
Washington DC 20515

Dear Mr. Chairman:

I write regarding the Child Abduction Prevention Act, H.R. 1104, important legislation to assist the Justice Department in coordinating its efforts to develop a nationwide AMBER (America's Missing: Broadcast Emergency Response) alert system.

Earlier today, one of my constituents called my office with an excellent suggestion; it is one that I hope you can incorporate into legislation geared toward finding kidnaped children. My constituent is a mother of a disabled child who, as do countless other disabled children, requires special medication. She suggested that within the AMBER alert system, provisions be developed whereby if a special needs child goes missing, the alert would reach pharmacies, doctors' offices, health clinics and emergency rooms, which could be visited by a panicked kidnapper who has a child reacting to a lack of medication.

Mr. Chairman, I thank you for your important work in passing legislation to deal with the problem of child abduction and hope that my constituent's suggestion can be considered.

Best wishes.

Sincerely,

Frank R. Wolf
Member of Congress

FRW:ns

Chairman SENSENBRENNER. I yield back the balance of my time.

The question is on agreeing to the amendment which the Chair has offered.

Those in favor will say aye.

Those opposed, no.

The ayes appear to have it. The ayes have it, and the amendment is agreed to.

Are there further amendments?

Ms. JACKSON LEE. I have an amendment at the desk.

Chairman SENSENBRENNER. The gentlewoman from Texas.

Ms. JACKSON LEE. I think it is amendment number 3.

Chairman SENSENBRENNER. The Clerk will report the amendment.

The CLERK. Amendment to H.R. 1104, offered by Ms. Jackson Lee:

Strike Titles I, II. Replace Titles I, II with the following: Section 404(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5773(b)(2) is amended by inserting "and $20,000 for each of fiscal years 2004 and 2005——"

Chairman SENSENBRENNER. Without objection, the amendment is considered as having been read, and the gentlewoman is recognized for 5 minutes.

[The amendment follows:]

AMENDMENT - #3 – Congresswoman Sheila Jackson Lee

Strike Titles I, II, [redacted]

Replace Titles I, II, [redacted] with the following:

Section 404 (b) (2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5773 (b) (2) is amended by inserting "and $20,000 for each of fiscal years 2004 and 2005" after "and 2003."

Ms. JACKSON LEE. I would not want to suggest to anyone that the Polly Klaas Foundation is the only child advocacy organization that is important to finding children.

Mr. Chairman—.

Chairman SENSENBRENNER. The gentlewoman has the time.

Ms. JACKSON LEE. Yes, thank you. Mr. Chairman, I want to withdraw this and submit another amendment.

Chairman SENSENBRENNER. The amendment is withdrawn.

Does the gentlewoman have another amendment?

Ms. JACKSON LEE. Mr. Chairman, I will wait for the Rules Committee. Thank you.

Chairman SENSENBRENNER. Are there further amendments? If there are no further amendments, the Chair notes the presence of a reporting quorum.

The question is on reporting the bill H.R. 1104 favorably, as amended.

Those in favor will say aye.

Opposed, no.
The ayes appear to have it. The ayes—.
Mr. COBLE. Recorded vote.
Chairman SENSENBRENNER. A recorded vote is requested. Those in favor of reporting H.R. 1140, as amended, will, as your names are called, answer aye. Those opposed, no.
The Clerk will call the roll.
The CLERK. Mr. Hyde.
[No response.]
The CLERK. Mr. Coble.
Mr. COBLE. Aye.
The CLERK. Mr. Coble votes aye.
Mr. Smith.
Mr. SMITH. Aye.
The CLERK. Mr. Smith votes aye.
Mr. Gallegly.
[No response.]
The CLERK. Mr. Goodlatte.
Mr. GOODLATTE. Aye.
The CLERK. Mr. Goodlatte votes aye.
Mr. Chabot.
Mr. CHABOT. Aye.
The CLERK. Mr. Chabot votes aye.
Mr. Jenkins.
Mr. JENKINS. Aye.
The CLERK. Mr. Jenkins votes aye.
Mr. Cannon.
Mr. CANNON. Aye.
The CLERK. Mr. Cannon votes aye.
Mr. Bachus.
Mr. BACHUS. Aye.
The CLERK. Mr. Bachus votes aye.
Mr. Hostettler.
Mr. HOSTETTLER. Aye.
The CLERK. Mr. Hostettler votes aye.
Mr. Green.
[No response.]
The CLERK. Mr. Keller.
Mr. KELLER. Aye.
The CLERK. Mr. Keller votes aye.
Ms. HART. Aye.
The CLERK. Ms. Hart votes aye.
Mr. Flake.
[No response.]
The CLERK. Mr. Pence.
Mr. PENCE. Aye.
The CLERK. Mr. Pence votes aye.
Mr. Forbes.
Mr. FORBES. Aye.
The CLERK. Mr. Forbes votes aye.
Mr. King.
[No response.]
The CLERK. Mr. Carter.
Mr. CARTER. Aye.
The CLERK. Mr. Carter votes aye.

Mr. Feeney.
Mr. FEENEY. Aye.
The CLERK. Mr. Feeney votes aye.
Mrs. Blackburn.
Mrs. BLACKBURN. Aye.
The CLERK. Mrs. Blackburn votes aye.
Mr. Conyers.
[No response.]
The CLERK. Mr. Berman.
[No response.]
The CLERK. Mr. Boucher.
[No response.]
The CLERK. Mr. Nadler.
[No response.]
The CLERK. Mr. Scott.
Mr. SCOTT. No.
The CLERK. Mr. Scott votes no.
Mr. Watt.
Mr. WATT. No.
The CLERK. Mr. Watt votes no.
Ms. Lofgren.
[No response.]
The CLERK. Ms. Jackson Lee.
Ms. JACKSON LEE. Present.
The CLERK. Ms. Jackson Lee, present.
Ms. Waters.
[No response.]
The CLERK. Mr. Meehan.
[No response.]
The CLERK. Mr. Delahunt.
[No response.]
Mr. Wexler.
Mr. WEXLER. Aye.
The CLERK. Mr. Wexler votes aye.
Ms. Baldwin.
[No response.]
The CLERK. Mr. Weiner.
[No response.]
The CLERK. Mr. Schiff.
[No response.]
The CLERK. Ms. Sánchez.
Ms. SÁNCHEZ. Aye.
The CLERK. Ms. Sánchez votes aye.
Mr. Chairman.
Chairman SENSENBRENNER. Aye.
The CLERK. Mr. Chairman votes aye.

Chairman SENSENBRENNER. Are there Members who wish to cast or change their votes? If not, the Clerk will report.

The CLERK. Mr. Chairman, there are 18 ayes, 2 nays, and 1 voting present.

Chairman SENSENBRENNER. And the motion to report favorably is agreed to.

Without objection, the bill will be reported favorably to the House in the form of a single amendment in the nature of a substitute incorporating the amendments adopted here today.

Without objection, the Chairman is authorized to move to go to conference pursuant to House rules.

Without objection, the staff is directed to make any technical and conforming changes, and all Members will be given 2 days, as provided by House rules, in which to submit additional dissenting supplemental or minority views.

The purpose for which this markup was called having been accomplished, the Committee is adjourned.

[Whereupon, at 3 p.m., the Committee was adjourned.]

DISSENTING VIEWS

We are very disappointed with the approach taken by the Majority to deal with the very serious problem of child abduction. If ever there was an issue the parties could come together on in a bipartisan way, this would seem to be it. The recent rash of child abductions clearly indicates the need to protect our children from sexual predators.

Bipartisan legislation was introduced in the House (H.R. 412)[1] and Senate (S. 121)[2] that would authorize a national AMBER Alert system to assist local and state authorities in tracking kidnappers that attempt to cross state lines. That bipartisan legislation quickly passed the Senate and it should have quickly passed the House and been sent on to the President. Instead, the members of this committee have been presented with a bill that includes not only the non-controversial AMBER Alert provisions, but several far more controversial provisions. These additional provisions include two new death penalty offenses, new mandatory minimum sentences, extensions of the use of wiretaps, lifetime supervision, elimination of the statute of limitations, a provision that denies pre-trial release for certain accused persons, and several other extraneous provisions.

Our principal concern with H.R. 1104 is that it is bogged down with controversial provisions that will, at a minimum, delay enaction of the very important and time sensitive AMBER Alert provisions of the bill, and may prevent their enaction entirely. Indeed, the Senate has had the opportunity to act on several of the controversial provisions in this bill for the past three Congresses and has chosen not to on each occasion. For this reason, in the last Congress we advised the Majority that the inclusion of these provisions with the AMBER Alert system would doom it, and we were right—it did. Nothing suggests any different fate for that approach this time.

Beyond this general and overarching concern, we have specific concerns about many of the extraneous provisions included in H.R. 1104. One of the more controversial measures in the bill is the "Two Strikes, You're Out" provision (sec. 106) which calls for a mandatory life sentence without parole for a second violation of certain sex offenses involving a minor. While this measure was amended during Committee markup to drop the provision mandating life without parole for a second consensual sex offense, such as high school students touching each other's private parts, the bill retains this draconian consequence for other such offenses, includ-

[1] H.R. 412, the National AMBER Alert Network Act of 2003 was introduced on January 28, 2003, by Representatives Frost and Dunn. The bill currently has 168 cosponsors.

[2] S. 121, the National AMBER Alert Network Act of 2003 was introduced on January 9, 2003, by Senators Feinstein and Hutchinson. The bill unanimously passed the Senate less than 2 weeks later on January 21, 2003.

ing offenses which currently call for a maximum sentence of no more than 3 years for a second offense [3].

Also among the controversial provisions in the bill is one that repeals the statute of limitations for sex offenses (sec. 202), including circumstances where the underlying offense is a misdemeanor between consenting adults [4] and offenses (such as sexual touching) now subject to punishment of no more than 3 years for a second offense [5]. This provision permits the prosecution of an individual for relatively minor offenses many years after evidence and memories have become stale, and is likely to lead to manipulations and injustices. For example, to gain advantage in a bitter divorce and custody dispute, one spouse could raise and establish that the other spouse, many years earlier, committed a Federal felony by traveling across state lines to commit a misdemeanor sex offense with him or her.

Yet another controversial provision in the bill seeks to eliminate the opportunity for pretrial release on bail of persons accused of any one of several enumerated sex offenses (sec. 221). Curiously, the Majority amended the bill during Committee markup to remove consensual violations involving a teenage minor [6] and sexual contact offenses between adults [7], while adding consensual sex offenses between adults.[8]

Additionally, the bill includes provisions which extend Federal wiretap authority (sec. 201). Federal wiretap authority, because of its intrusive nature, was originally designed to be used only in the most serious cases and only then as a last resort for effective law enforcement. Under the terms of the bill, however, FBI wiretap authority is extended to include investigations of sexual acts between consenting adults and sexually explicit computer generated images that do not involve real children, despite the fact that the U.S. Supreme Court recently ruled that creation and possession of such images does not constitute a crime.

Viewing several of the foregoing provisions together, it would be entirely possible that many years after the commission of an underlying offense constituting a misdemeanor by consenting adults, one of the adults, or both depending upon the circumstances, could be subjected to a wiretap, arrested on a Federal felony charge, be denied bail on the charge, and if convicted, be placed under supervision for life.

Moreover, the bill establishes two new death penalty offenses (sec. 102). The Majority knows that many on this side of the aisle cannot, as a matter of principal, support the death penalty and mandatory minimum sentences, particularly with all of the problems we have seen in these areas in this country. As many people now know, our current death penalty system is riddled with several

---

[3] The bill includes violations of 18 U.S.C. 2244(a)(2) which includes touching of private parts.

[4] The bill includes violations of 18 U.S.C. 2421 (crossing state lines to commit any illegal sexual activity, or attempting to do so, including, for example, traveling from the District of Columbia to Virginia to commit misdemeanor offenses such as fornication or adultery) and 18 U.S.C. 2422 (includes adults persuading, inducing or enticing other adults to cross state lines to commit fornication or adultery)

[5] This provision also includes violations of 18 U.S.C. 2244(a)(2).

[6] The amendment removed 18 U.S.C. 2243(a) from inclusion under this provision.

[7] The amendment removed 18 U.S.C. 2244(a)(2) from inclusion under this provision.

[8] The amendment added violations such as adult consensual violations of 18 U.S.C. 2421 and 2422.

flaws—namely, the unacceptably high rate of wrongful convictions, inadequate legal representation and a system that is applied in a racially discriminatory manner.

Indeed, after 13 people were released from death row in Illinois following determinations that they were innocent of the crimes for which they had been tried and convicted, Governor Ryan of Illinois, realizing that there were significant problems with the death penalty in the state, declared a moratorium on executions. He took this extraordinary step to seek reassurances that the system worked reliably in determining an individual's innocence or guilt. Before resuming executions, he also wanted to be certain that no other innocent individuals would be sentenced to death. After more than a year of study and assessment of the capital punishment system in his state, he was unable to conclude that there were sufficient safeguards during the trial, conviction and sentencing in the remaining death row cases in the state to assure that none were wrongfully sentenced to death. As a result, he commuted the sentences of the remaining death row inmates to life in prison

Some death penalty proponents have argued that the problems discovered in Illinois were highly unusual. In fact, the error rate in Illinois is 66%, slightly lower than the national average of 68%.

Problems with the bill's mandatory minimum provisions (sec. 103 & 104) are equally troubling. Mandatory minimum sentences have been studied extensively and have been shown to 1) be ineffective in preventing crime, 2) distort the sentencing process and 3) be a considerable waste of the taxpayers' money. Weighing in on this issue, Chief Justice Rehnquist, who is not generally known to be lenient on crime, has stated that, "mandatory minimums . . . are frequently the result of floor amendments to demonstrate emphatically that legislators want to 'get tough on crime.' Just as frequently, they do not involve any careful consideration of the effect they might have on the sentencing guidelines as a whole . . .". When scholars, justices and policy analysts all agree and oppose such controversial provisions, the Majority's inclusion of these policies clearly indicates that it has gone out of its way to load the bill up and make it more difficult for some Members to support this legislation.

We would also note that provisions in the bill concerning supervised release terms and sex tourism are not without controversy. We would again note that whatever the merits or demerits of these matters, they are best handled in separate legislation, rather than though the AMBER Alert vehicle. The provision concerning supervised release terms (sec. 101) would grant judges the discretion to extend the term of post-release supervision for sex offenses up to a maximum of life would apply so broadly that it would include an offense whose term of imprisonment is currently a maximum of 3 years. The provision extending the reach of the sex tourism law (sec. 105) goes so far as to make it a criminal offense for an individual to travel abroad and have sex with a minor even if the defendant did not travel with such intent. Provisions such as this bring us far beyond the core AMBER Alert issue.

In addition, the impact of H.R. 1104, as presently constituted, will have a grossly unfair impact on Native Americans. Since the provisions only apply where there is Federal jurisdiction, approxi-

mately 75% of those subject to the new draconian penalties will be Native Americans residing on reservations.

We also cannot agree that the technical changes made by the Majority at markup remedy some sort of egregious drafting "errors" in the Senate bill and somehow justify not permitting the House to vote on the Senate passed clean AMBER Alert bill. With no advance notice to the Minority, the Majority offered two amendments to make these so-called "fixes."

The first such amendment, offered by the Crime Subcommittee Chairman, would strike an existing grant program in the bill, which would require the Secretary of Transportation to carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children. This provision would have allowed the Secretary of Transportation to provide grants to states for any purpose consistent with the goals of the program. The Majority's amendment replaced that provision with language that narrowed the permissible uses of the grant money. This amendment could work counter to its own stated rationale: while its stated purpose was to insure that existing programs were covered by the bill's language, it actually narrowed the scope of existing programs that could be covered. In any event, the language in the Senate passed bill gives the Secretary of Transportation more than adequate authority to insure that any existing AMBER programs continue to be funded and utilized.

In addition, the Majority sought to make much of the fact that this amendment permits DOT to pay for up to 80% of an AMBER program, rather than 50% under the Senate bill, and that this conformed the bill to current DOT procedures. Lost in the discussion was the fact that the DOT program was only announced on February 6,[9] and could quite easily be configured to conform to Senate passed bill. As a matter of fact, not a single grant application has even been received by the Department as of today, let alone a grant acted on. So again, it is impossible that the 50% matching requirement could disturb any existing grant whatsoever. Beyond that, given the limited funds available in the current budget environment, it is quite obvious that the 50% requirement would permit the funds to go much farther and benefit more children and families.

The second such amendment, offered by Chairman Sensenbrenner, would require that law enforcement agencies also disseminate, to the maximum extent practicable, information related to special needs children to law enforcement, public health and other public officials. It was asserted that this amendment would place health care professionals on the alert for missing children with medical problems who may be brought to hospitals by their captors for medical attention. This amendment may also conceivably be counterproductive—it is quite possible a captor will be more likely to deny a child access to medical care if he believes that a consequence of providing such access is that a doctor will alert law enforcement officials as to the child's whereabouts. In any event, we believe this change can easily be handled by the various depart-

[9] Fed. Reg. Feb. 12, 2003, Vol. 68, No. 29, Pg. 7164–67.

ments and agencies that will implement the AMBER Alert law and hardly justifies delaying the passage of the clean AMBER legislation. Again, neither of these two "technical" amendments rise to the level that they warrant delaying passage of the Senate passed AMBER Alert bill.

CONCLUSION

We believe it is unnecessary and counterproductive to weigh down the AMBER Alert provision with the highly controversial measures described above.

Similar sentiments, on this point, have been echoed by Ed Smart, the father of Elizabeth Smart; various child advocacy groups, including the Polly Klaas Foundation; California Governor Gray Davis, Virginia Governor Mark Warner and Sen. Kay Bailey Hutchison (R-TX) who have all called upon the House to enact an AMBER Alert bill unencumbered by proposals which will prevent it from being quickly signed into law.

During a recent press conference on this issue, Sen. Hutchison pleaded with the Majority to "consider letting [her] bill go." [10] In a joint letter, Governors Davis and Warner urge House leaders to quickly enact an AMBER Alert bill "unfettered by additional proposals".[11] In weighing in on the issue, the Klaas Foundation emphatically declared that, "the Senate quickly passed a stand-alone AMBER Alert bill months ago, and the House should do the same now." [12] And in a statement released by Mr. Smart, he confirms that H.R. 1104 "is encumbered by its size and complexity" which explains why ". . . passing AMBER Alert as stand alone legislation is critical." [13]

Unfortunately, in demonstrating its unwillingness to compromise, the Majority refused a request in a March 17, 2003, letter to Chairman Sensenbrenner signed by all the Democratic members of the Committee to add S. 121, the Senate-passed "National AMBER Alert Network Act of 2003," as an agenda item to the Judiciary Committee's markup scheduled for Tuesday, March 18, 2003, so that provision could move forward. We would urge the Majority to reconsider this decision and allow the Members to vote on a clean AMBER Alert bill.

JOHN CONYERS, JR.
ROBERT C. SCOTT.
MELVIN L. WATT.

---

[10] Press Conference with Senators Hutchison and Feinstein in Washington, DC. (March 13, 2003). Transcript provided by CNN.

[11] Letter from Governors Gray Davis (CA) and Mark Warner (VA) to James Sensenbrenner, Chairman of the House Judiciary Committee (March 18, 2003).

[12] Press Release, The Polly Klaas Foundation, The PKF Urges Congress to Immediately Pass H.R. 412 as a Freestanding Bill (Date Not Specified).

[13] Press Release, Ed Smart, Regarding the National AMBER Alert Network Act (March 13, 2003).

MINORITY VIEWS

We write these Minority views to express our disappointment that the Committee did not also markup a "clean" AMBER Alert bill. That intent was communicated to the Chairman in a March 17, 2003 letter requesting that S.121, the "National AMBER Alert Network Act of 2003," which unanimously passed the Senate earlier this year and had already been referred to the Committee for consideration, be added to the scheduled markup of H.R. 1104. The letter, a copy of which is attached hereto, was signed by all of the Democratic members of this Committee. This letter reflects a consensus that we could and should swiftly pass the AMBER Alert provisions of this bill, clearing it for the President's signature, with the utmost dispatch. The remainder of H.R. 1104 could then be considered on its merits and proceed on a separate track without jeopardizing the AMBER Alert provisions of the bill.

The pressing need for a freestanding AMBER bill has been supported by Ed Smart [1] (the father of Elizabeth Smart); various child advocacy groups, including the Polly Klaas Foundation; [2] California Governor Gray Davis; [3] Virginia Governor Mark Warner [4] and Sen. Kay Bailey Hutchison (R-TX),[5] who have all called upon the House to enact a clean AMBER Alert bill. Indeed, during a recent press conference on this issue, Sen. Hutchison pleaded with the Majority to "consider letting [her] bill go." [6] In a joint letter, Governors Davis and Warner urged House leaders to quickly enact an AMBER Alert bill "unfettered by additional proposals." [7] Weighing in on the issue, the Klaas Foundation reminded us that "the Senate quickly passed a stand-alone AMBER Alert bill months ago" and went on to add that, "the House should do the same now." [8] And, finally, in a statement released by Mr. Smart, he simply declared that "passing AMBER Alert as stand alone legislation is critical." [9]

Despite this plea from child advocacy groups, Republican legislators, and state officials, some in the Majority continue to dismiss the value of the AMBER legislation by asserting that much of it has already been implemented by Executive Order.[10] In fact, the

---

[1] Press Release, Ed Smart, Regarding the National AMBER Alert Network Act (March 13, 2003).

[2] Press Release, The Polly Klaas Foundation, The PKF Urges Congress to Immediately Pass H.R. 412 as a Freestanding Bill (Date Not Specified).

[3] Letter from Governors Gray Davis (CA) and Mark Warner (VA) to James Sensenbrenner, Chairman of the House Judiciary Committee (March 18, 2003).

[4] *See* Letter from Governors Davis and Warner, *supra* note 3.

[5] Press Conference with Senators Hutchison and Feinstein in Washington, DC. (March 13, 2003). Transcript provided by CNN.

[6] *Id.*

[7] *See* Letter from Governors Davis and Warner, *supra* note 3.

[8] *See* the Polly Klaas Foundation press release, *supra* note 2.

[9] *See* Ed Smart press release, *supra* note 1.

[10] House of Representatives Committee on the Judiciary Markup Transcript of H.R. 1104, the "Child Abduction Prevention Act of 2003." (March 18, 2003) (Comments of Chairman Jim Sensenbrenner, p. 46)

freestanding AMBER bill introduced in the House and already passed by the Senate considerably improve upon the President's initiative in two meaningful ways. First, it codifies his previous proposals, thereby making them permanent. Second, it more than doubles the available funding to states, thereby enabling them to establish or improve upon their already existing education and communication systems. The President himself, as he announced his own initiative, indicated that House passage of the freestanding bill was critical.[11]

We therefore reiterate our hope that when H.R. 1104 comes to the floor, Members are also given the opportunity to vote for a clean AMBER bill so that such legislation can be forwarded directly to the President for his signature. The National Center for Missing and Exploited Children has indicated that if a child is not found within 24 hours, the chances of finding that child are very, very remote. We therefore believe it is imperative that AMBER Alert legislation be enacted immediately.

[11] White House Press Conference on Missing, Exploited and Runaway Children (October 2, 2002).

F. JAMES SENSENBRENNER, JR., Wisconsin
CHAIRMAN

HENRY J. HYDE, Illinois
HOWARD COBLE, North Carolina
LAMAR S. SMITH, Texas
ELTON GALLEGLY, California
BOB GOODLATTE, Virginia
STEVE CHABOT, Ohio
WILLIAM L. JENKINS, Tennessee
CHRIS CANNON, Utah
SPENCER BACHUS, Alabama
JOHN N. HOSTETTLER, Indiana
MARK GREEN, Wisconsin
RIC KELLER, Florida
MICHELE A. HART, Pennsylvania
MELISSA A. HART, Florida
JEFF FLAKE, Arizona
MIKE PENCE, Indiana
J. RANDY FORBES, Virginia
STEVE KING, Iowa
JOHN R. CARTER, Texas
TOM FEENEY, Florida
MARSHA BLACKBURN, Tennessee

JOHN CONYERS, JR., Michigan
RANKING MINORITY MEMBER

HOWARD L. BERMAN, California
RICK BOUCHER, Virginia
JERROLD NADLER, New York
ROBERT C. "BOBBY" SCOTT, Virginia
MELVIN L. WATT, North Carolina
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
MAXINE WATERS, California
MARTIN T. MEEHAN, Massachusetts
WILLIAM D. DELAHUNT, Massachusetts
ROBERT WEXLER, Florida
TAMMY BALDWIN, Wisconsin
ANTHONY D. WEINER, New York
ADAM B. SCHIFF, California
LINDA T. SÁNCHEZ, California

ONE HUNDRED EIGHTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6216

(202) 225–3951
http://www.house.gov/judiciary

March 17, 2003

Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Sensenbrenner:

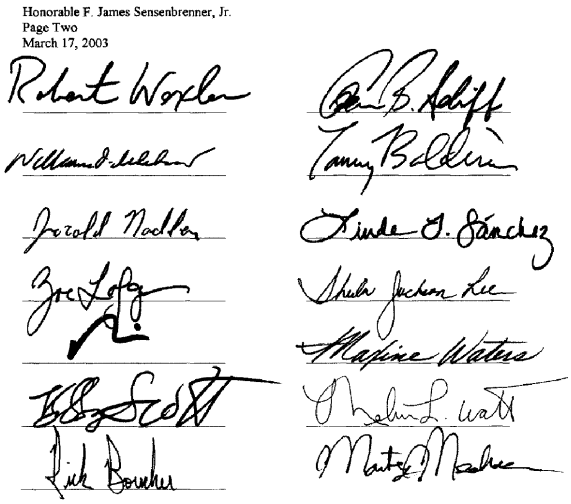
We are writing to request that the "National AMBER Alert Network Act of 2003," S. 121, which unanimously passed the Senate earlier this year, be added as an agenda item to the Judiciary Committee's mark-up.

While the essence of the Senate-passed bill is included in H.R. 1104, the "Child Abduction and Prevention Act of 2003", that legislation also includes additional provisions which are controversial in the Senate as well as to many Members on this Committee and the House. As we learned last Congress, the inclusion of these extraneous provisions is likely to prevent quick passage of the non-controversial, bi-partisan AMBER Alert provisions. If the Senate-passed version, however, is passed by the Committee tomorrow, it could pass quickly in the House and receive the President's signature quickly thereafter. The remainder of the Child Abduction Prevention Act could then be considered on its merits and proceed on a separate track without jeopardizing the AMBER ALERT provisions of the bill.

The National Center for Missing and Exploited children has indicated that if a child is not found within 24 hours, the chances of finding that child safe are very, very remote. Therefore, each day we wait to act, we place additional children at risk. Accordingly, we respectfully request that you add S.121, which has already been referred to the Committee, to tomorrow's markup.

Sincerely,

John Conyers Jr. · Howard L. Berman



JOHN CONYERS, JR.
HOWARD L. BERMAN.
JERROLD NADLER.
ROBERT C. SCOTT.
MELVIN L. WATT.
ZOE LOFGREN.
SHEILA JACKSON LEE.
MAXINE WATERS.
MARTIN T. MEEHAN.
WILLIAM D. DELAHUNT.
TAMMY BALDWIN.
ANTHONY D. WEINER.
ADAM B. SCHIFF.
LINDA T. SÁNCHEZ.

○