## HOUSE OF REPRESENTATIVES

**§**36.18

preme Court in the case of Knox v. United States, 92-1183, has failed to support the conviction of a child pornographer won by the Department in the United States District Court for the Middle District of Pennsylvania and affirmed on appeal in the United States Court of Appeals for the Third Circuit;

(7) the Department of Justice has used its brief in the Knox case as a vehicle for reinterpretation of the Federal child pornography laws in contravention to legislative history and past prosecution practices of the Department of Justice;

(8) the Department of Justice by declaring in its brief in the Knox case that a pornographer who lasciviously exhibits the genitals of children is prosecutable within the Federal child pornography laws only if the de-pictions show a minor engaged in the conduct of lasciviously exhibiting his or her genitals or public area, creates a federally protected class of child pornography, e.g. child pornography involving children who are not knowingly engaged in lasciviously exhibiting their genitals or pubic areas but whose genitals or pubic areas are nonetheless lasciviously depicted by others;

(9) the Department of Justice by declaring in its brief in the Knox case in contravention to legislative history, that a pornographer who lasciviously exhibits the genital or pubic area of children is prosecutable within the Federal child pornography laws only if the genitals are nude or visible creates a federally protected class of child pornography, e.g. depictions which focus on a minor child's clothed genital or pubic area with the obvious intent of eliciting a sexual response in pedophiles;

(10) the plain meaning and congressional intent of the language in section 2256 of title 18, United States Code, is that the term "lascivious exhibition'' refers to whether the depiction is intended to elicit a sexual response from the viewer, and not to the actions of the child:

(11) the Department of Justice has employed this meaning of the term "lascivious exhibition" since it was included in the laws in 1984, and Congress has not changed the meaning of the term;

(12) Congress specifically repudiated a ''nuditv'' requirement for child pornography statutes (see United States v. Knox, 977 F. 2d 815, at 820-823, (3rd Cir., 1992));

(13) the "harm Congress attempted to eradicate by enacting child pornography laws is present when a photographer unnaturally focuses on a minor child's clothed genital area with the obvious intent to produce an image sexually arousing to pedophiles. (see Knox at 822); and

(14) the Congress of the United States believes that the reinterpretation of the Federal child pornography laws by Department of Justice, unless reversed, will bring back commercial child pornography and lead to a substantial increase of sexual exploitation of children.

(b) SENSE OF CONGRESS.-It is the sense of the House of Representatives that the Department of Justice repudiate its reinterpretation of Federal child pornography laws, defend the conviction won in lower courts in the Knox case, and vigorously prosecute sexexploitation of children

ual exploitation of children.				
It was decided in the affirmative		Yeas 425 Nays 3		
¶36.16 [Roll No. 133] AYES-425				
Abercrombie Ackerman Allard Andrews (ME) Andrews (NJ) Andrews (TX)	Applegate Archer Armey Bachus (AL) Baesler Baker (CA)	Baker (LA) Ballenger Barca Barcia Barlow Barrett (NE)		

Barrett (WI)	Fields (TX)
Bartlett	Filner
Barton	Fingerhut
Bateman	Flake
Becerra	Foglietta
Beilenson	Ford (MI)
Bentley	Ford (TN)
Bereuter	Fowler
Berman	Frank (MA)
Bevill	Franks (CT)
Bilbray	Franks (NJ)
Bilirakis	Frost
Bishop	Furse
Blackwell	Gallegly
Bliley	Gejdenson
Blute	Gekas
Boehlert	Gephardt
Boehner	Geren
Bonilla	Gibbons
Bonior	Gilchrest
Borski	Gillmor
Boucher	Gilman
Brewster	Gingrich
Brooks	Glickman
Browder	Gonzalez
Brown (CA)	Goodlatte
Brown (FL)	Goodling
Brown (OH)	Gordon
Bryant	Goss
Bunning	Grams
Burton	Green
Buyer	Greenwood
Byrne	Gunderson
Callahan	Gutierrez
Calvert	Hall (OH)
Camp	Hall (TX)
Canady	Hamburg
Cantwell	Hamilton
Cardin	Hancock
Castle	Hansen
Chapman	Harman
Clay	Hastert
Clayton	Hastings
Clement	Hayes
Clinger	Hefley
Clyburn	Hefner
Coble	Herger
Coleman	Hilliard
Collins (GA)	Hinchey
Collins (MI)	Hoagland
Combest	Hobson
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Conyers	Hoekstra
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Cooper	
Cooper Coppersmith	Hoke
Cooper Coppersmith Costello	Hoke Holden Horn
Cooper Coppersmith Costello Cox	Hoke Holden Horn Houghton
Cooper Coppersmith Costello Cox Coyne	Hoke Holden Horn Houghton Hoyer
Cooper Coppersmith Costello Cox Coyne Cramer	Hoke Holden Horn Houghton Hoyer Huffington
Cooper Coppersmith Costello Cox Coyne Cramer Cramer Crane	Hoke Holden Horn Houghton Hoyer Huffington Hughes
Cooper Coppersmith Costello Cox Coyne Cramer Crane Crane Crapo	Hoke Holden Horn Houghton Hoyer Huffington Hughes Hunter
Cooper Coppersmith Costello Cox Coyne Cramer Cramer Crane	Hoke Holden Horn Houghton Hoyer Huffington Hughes
Cooper Coppersmith Costello Cox Coyne Cramer Crane Crane Crapo Cunningham Danner	Hoke Holden Horn Houghton Hoyer Huffington Hughes Hunter Hutchinson Hutto
Cooper Coppersmith Costello Cox Coyne Cramer Crane Crane Crapo Cunningham Danner Danden	Hoke Holden Horn Hoyer Huffington Hughes Hunter Hutchinson
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Cooper Coppersmith Costello Cox Coyne Cramer Crane Crane Crapo Cunningham Danner Darden de la Garza de Lugo (VI) Dela Defazio DeLauro DeLay Dellums Dertick Deutsch Diaz-Balart Dicks Dingell Dixon Dooley Doolittle Dornan Dreier Duncan Durbin Edwards (TX) Ehlers Emerson Engel English Esshoo Evanst	Hoke Holden Horn Horn Hughton Huyer Hutchinson Hutto Hyde Inglis Inhofe Inslee Istook Jacobs Jefferson Johnson (CT) Johnson (CT) Johnson (CT) Johnson (CT) Johnson (CT) Johnson (SD) Johnson, Sam Johnson, Sam Johnson, Sam Johnson, Sam Johnston Kanjorski Kaptur Kasich Kennedy King King King King King King King King
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Lazio Leach Lehman Levin Levy Lewis (CA) Lewis (FL) Lewis (GA) Lightfoot Linder Lipinski Livingston Lloyd Long Lowey Machtley Malonev Mann Manton Manzullo Margolies Mezvinsky Markey Martinez Matsui Mazzoli McCandless McCloskey McCollum McCrerv McCurdy McDermott McHale McHugh McInnis McKeon McKinnev McMillan Meehan Meek Menendez Meyers Mfume Mica Michel Miller (CA) Miller (FL) Mineta Minge Mink Moakley ochbrueckner Molinari Mollohan Montgomery Moorhead Moran Morella Murphy Murtha Myers Neal (MA) Neal (NC) Norton (DC) Nussle Oberstar Obey Olver Ortiz Orton Owens Oxley Packard Pallone Parker Pastor Paxon Payne (NJ) Payne (VA) Pelosi Penny Peterson (FL) Peterson (MN) Petri Pickett Pickle Pombo Pomerov Porter Portman Poshard Price (NC) Pryce (OH) Quillen Quinn Rahall Ramstad Rangel Ravenel Reed

Reynolds Richardson Shuster Sisisky Ridge Skaggs Roberts Skeen Roemer Skelton Rogers Slattery Rohrabacher Slaughter Smith (IA) Romero-Barcelo Smith (MI) Smith (NJ) (PR) Ros-Lehtinen Rose Smith (OR) Rostenkowski Smith (TX) Roth Snowe Roukema Solomon Rowland Spence Roybal-Allard Spratt Royce Stark Rush Stearns Sabo Stenholm Stokes Strickland Sanders Sangmeister Studds Santorum Stump Sarpalius Stupak Sawver Sundquist Saxton Schaefer Swett Swift Schenk Schiff Synar Schroeder Talent Schumer Tanner Scott Tauzin Sensenbrenner Taylor (MS) Taylor (NC) Serrano Sharp Tejeda Thomas (CA) Shaw Thomas (WY) Shavs Shepherd Thompson Edwards (CA) Nadler Bacchus (FL) Fish Carr Gallo

Thornton Thurman Torkildsen Torres Torricelli Towns Traficant Tucker Unsoeld Upton Valentine Velazquez Vento Visclosky Volkmer Vucanovich Walker Walsh Waters Watt Waxman Weldon Wheat Whitten Williams Wilson Wise Wolf Woolsey Wyden Wynn Yates Young (AK) Young (FL) Zeliff Zimmer NOES-3 Washington NOT VOTING-9 McDade

McNulty

Underwood (GU)

So the amendment was agreed to. After some further time,

Grandy

**\$36.17** RECORDED VOTE

Collins (IL)

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. HUNTER:

At the end thereof insert the following new section

## SEC. BORDER PATROL AGENTS.

In addition to such amounts as are otherwise authorized to be appropriated, there is authorized to be appropriated for each of the fiscal years 1995, 1996, 1997, 1998, and 1999 for salaries and expenses of the Border Patrol such amounts as may be necessary to provide for an increase in the number of agents of the Border Patrol by 6,000 full-time equivalent agent positions (and necessary support personnel positions) beyond the number of such positions authorized for the Border Patrol as of October 1, 1993. 1

It was decided in the affirmative		Yeas 417 Nays 12		
¶36.18	[Roll No. 134	1]		
AYES—417				
Abercrombie	Bartlett	Boucher		
Ackerman	Barton	Brewster		
Allard	Bateman	Brooks		
Andrews (ME)	Becerra	Browder		
Andrews (NJ)	Beilenson	Brown (CA)		
Andrews (TX)	Bentley	Brown (FL)		
Applegate	Bereuter	Brown (OH)		
Archer	Berman	Bryant		
Armey	Bevill	Bunning		
Bacchus (FL)	Bilbray	Burton		
Bachus (AL)	Bilirakis	Buyer		
Baesler	Bishop	Byrne		
Baker (CA)	Blackwell	Callahan		
Baker (LA)	Bliley	Calvert		
Ballenger	Blute	Camp		
Barca	Boehlert	Canady		
Barcia	Boehner	Cantwell		
Barlow	Bonilla	Cardin		
Barrett (NE)	Bonior	Carr		
Barrett (WI)	Borski	Castle		

Regula