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## MARKUP OF:

H.R. 3530, THE JUSTICE FOR VICTIMS OF TRAFFICKING ACT OF 2013;

H.R. 3610, THE STOP EXPLOITATION THROUGH TRAFFICKING ACT OF 2013;

H.R. 4225, THE STOP ADVERTISING VICTIMS OF EXPLOITATION ACT OF 2014;

H.R. 776, THE SECURITY IN BONDING ACT OF 2013; AND

H.R. 306, FOR THE RELIEF OF CORINA DE CHALUP TURCINOVIC

Wednesday, April 30, 2014

House of Representatives,

Committee on the Judiciary,

Washington, D.C.

The committee met, pursuant to call, at 10:12 a.m., in Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte [chairman of the committee] presiding.

Present: Representatives Goodlatte, Sensenbrenner, Coble, Smith of Texas, Chabot, Bachus, Issa, Forbes, King, Franks, Gohmert, Jordan, Poe, Chaffetz, Marino, Gowdy, Labrador, Farenthold, Holding,

Collins, DeSantis, Smith of Missouri, Conyers, Nadler, Scott, Lofgren, Jackson Lee, Cohen, Johnson, Bass, DelBene, and Jeffries.

Staff Present: Shelley Husband, Staff Director; Branden Ritchie, Deputy Staff Director/Chief Counsel; Allison Halataei, Parliamentarian; Kelsey Deterding, Clerk; Sarah Allen, Counsel; Caroline Lynch, Counsel; Anthony Grossi, Counsel; George Fishman, Counsel; Perry Apelbaum, Minority Staff Director; Danielle Brown, Minority Parliamentarian; Vanessa Chen, Minority Counsel; Ron LeGrand, Minority Counsel; Susan Jensen, Minority Counsel; and Joe Graupensperger, Minority Counsel; Tom Jawetz, Minority Counsel; Slade Bond, Minority Counsel.

Chairman Goodlatte. Good morning. The Judiciary Committee will come to order.

And, without objection, the chair is authorized to declare recesses at any time.

Pursuant to notice, I now call up H.R. 3530 for purposes of markup and move that the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Detending. H.R. 3530, to provide justice for the victims of trafficking.

Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any time.

[The information follows:]

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Chairman Goodlatte. I will begin by recognizing myself for an opening statement.

"You're pretty. You could make some money." That simple message, which went out via Facebook to more than 800 teenage girls in the summer of 2011, was not an innocuous compliment. Instead, it was the work of a member of the underground gangster Crips gang who used charm and then fear, intimidation, and physical abuse to coerce impressionable teenage girls into a life of forced prostitution.

The gang would recruit teenagers through Facebook and other social media Web sites, at Metro stations and shopping malls, and even in the halls of Fairfax County public schools. In 2012, the ringleader received 40 years in prison.

This case has shed light on the horrifying scourge of domestic minor sex trafficking, which is not confined to brothels in Bangkok or Eastern Europe but can literally happen anywhere, including right under our noses in my own State of Virginia. Since 2011, police and Federal agents have taken down 28 juvenile sex traffickers in the Eastern District of Virginia, most operating just outside Washington, D.C., and have identified 41 victims, all of them American citizens and many from affluent families.

These trafficking organizations, including some of the most violent criminal street gangs, like MS-13, will use the instrumentalities of commerce, including our interstate highway systems and the Internet, to exploit their victims across State and even national boundaries.

When asked why the trafficking organization targeted northern Virginia, one of the victims said simply, "There is a lot of money here." Indeed, the Department of Justice has noted that it is more profitable for a trafficker to prostitute a child than to commit other crimes such as dealing in drugs. That is because drugs can only be sold once, whereas minor children can be and are prostituted multiple times a day.

DOJ has also reported that from 2004 through 2008 the Internet Crimes Against Children Task Forces have experienced an increase of more than 900 percent in the number of minor sex trafficking complaints.

For their part, the States are quickly realizing just how profound this problem is. For example, earlier this year, the Virginia General Assembly passed legislation cracking down on human trafficking, particularly child prostitution.

The Judiciary Committee is continuing this important effort today. H.R. 3530, the Justice for Victims of Trafficking Act, represents a comprehensive response to the growing crime of minor sex trafficking.

Among other things, the legislation provides additional resources to law enforcement via a new victim-centered grant program; helps to facilitate these investigations by providing that minor sex trafficking and other similar crimes are predicate offenses for State wiretap applications; addresses the demand side of this crime by clarifying that it is a Federal crime to solicit or patronize child prostitutes or adult victims forced into prostitution; and reauthorizes the funding stream for child advocacy centers, which are

often the first line of service providers for the victims of this and other crimes.

As a father and as chairman of the Judiciary Committee, I can think of no more worthy use for Federal law enforcement resources than the protection of our children. I want to thank my friend and colleague, Judge Poe, for his leadership on this issue. And I urge my colleagues to join me in support of this important legislation.

We are awaiting the arrival of the gentleman from Michigan, Mr. Conyers, the ranking member of the committee. So, at this time, I will turn to the gentleman from Virginia, Mr. Scott, the ranking member of the Crime, Terrorism, Homeland Security, and Investigations Subcommittee, for his opening statement.

Mr. Scott. Thank you, Mr. Chairman.

We come together today at the end of the Sexual Assault Awareness Month to address sexual assault in its most harrowing context, the rape of children. We found in our recent hearing on domestic minor sex trafficking that this bill, the Justice for Victims of Trafficking Act, is an essential step in ending the crisis of sex trafficking in our country and helping survivors begin their lives anew.

Victims of sex trafficking have suffered the worst trauma imaginable. As a result, they require comprehensive and tailored services to assist their recovery. But funding for the comprehensive services that they need is lacking. For example, only 20 beds exist for more than 2,200 children trafficked annually in New York City.

This bill is a step in the right direction, providing \$5 million

in grants for the comprehensive services that victims need and correcting the administrative barriers that keep domestic victims of trafficking from the services given to foreign victims.

While the rescue of trafficking victims is necessary, so is prosecution of the rapists and traffickers. Federal courts have interpreted the existing statute to cover the acts of patronizing and soliciting. Therefore, it appears that the addition of these terms in the bill is a mere clarification. Individuals who patronize and solicit would have been criminally liable under the language contained in the original section 1591, thus the population of those affected by the statute will remain the same. The enumeration of these terms, "patronizing" and "solicit," just clarifies and reemphasizes the fact that they are actually covered.

This bill ensures that law enforcement receives the funds necessary to train, investigate, and prosecute more cases, which will send the message that the rape of a child is a crime, and that crime will not be diminished by the fact that you are paying for the sex.

Child rapists will find refuge in no jurisdiction. This bill will aid in the coordination of investigations among Federal, State, and local law enforcement and enhance the reporting data for missing children.

Human trafficking is the second-fastest-growing criminal industry in the world, generating over \$32 billion annually. And this bill is the most comprehensive piece of legislation to deal with that issue in years.

It has been brought to my attention by members of the Appropriations Committee that there is a technical glitch in the way the appropriation is mentioned in the bill. I expect the sponsor of the bill, the gentleman from Texas, to work with the Appropriations Committee to get that straight between now and the floor.

And so, Mr. Chairman, I would hope that we would adopt the bill, clarify it before the final floor vote, so that the children can get the services they desperately need.

I yield back.

Chairman Goodlatte. Would the gentleman yield?

Mr. Scott. I yield.

Chairman Goodlatte. I thank the gentleman for yielding. And I appreciate the gentleman raising the issue with regard to the mandatory spending that this committee has jurisdiction over with regard to the Crime Victims Fund.

Obviously, there is always a problem between authorizing committees and the Appropriations Committee as to what they do once we authorize funds to be used for a particular person or program and then they CHIMP it. For those of you not familiar with CHIMPS, that means "changes in mandatory program spending." And it is a common practice of the appropriators to do this, notwithstanding our clear mandatory spending jurisdiction.

So we will be happy to work with you and others, and obviously we will also be working with appropriators, to make sure that the spending is spent in the way that is most effective for crime victims.



And I thank the gentleman for raising the point.

It is now my pleasure to recognize the chairman of the Crime, Terrorism, and Homeland Security Subcommittee, the gentleman from Wisconsin, Mr. Sensenbrenner, for his opening statement.

Mr. Sensenbrenner. Thank you, Mr. Chairman.

Sex trafficking is the fastest-growing business of organized crime and the third-largest criminal enterprise in the world. Because this crime usually occurs outside of the public eye, it is difficult to estimate the number of minor victims of sex trafficking, but we do know that the problem is extensive.

The Crime Subcommittee recently held a hearing entitled "Innocence for Sale: Domestic Minor Sex Trafficking," at which we heard from several witnesses about the difficulties investigating and prosecuting traffickers but also the even greater difficulties in getting minor victims the help and assistance they so desperately need to break the cycle of abuse.

The most compelling testimony came from Ms. "T" Ortiz Walker Pettigrew, a college student, board member of the organization Rights for Girls, and a survivor of sex trafficking. In her testimony, Ms. Ortiz Walker Pettigrew spoke forcefully about the need to focus on getting these young victims the services and support they need, rather than simply treating them like criminals, and on addressing the demand side of this awful crime.

The Justice for Victims of Trafficking Act, introduced by Mr. Poe of Texas, is comprehensive legislation aimed at addressing all aspects

of sex trafficking. After our recent hearings, I want to commend the gentleman from Texas for placing such a strong focus on the victims in this legislation. I support H.R. 3530 and urge my colleagues to do the same.

Yield back the balance of my time.

Chairman Goodlatte. The chair thanks the gentleman and is now happy to recognize the gentleman from Michigan, the ranking member of the committee, Mr. Conyers, for his opening statement.

Mr. Conyers. Thank you, Mr. Chairman. I appreciate all the opening statements.

Just a month ago, the Subcommittee on Crime held an important hearing on the scourge of child sex trafficking and ways to combat it better. This hearing considered not only how our most vulnerable children are impacted by the trauma of being abused by the commercial sex trade but also how they endure additional trauma when they are treated as criminals by law enforcement rather than the victims that they truly are.

So I am pleased today that the markup now provides an important opportunity to craft legislative responses to these critical problems. H.R. 3530, the Justice for Victims of Trafficking Act, is a good first step.

The bill includes comprehensive measures intended to address child sex trafficking. In particular, it establishes a Domestic Trafficking Victims Fund that would improve services provided to rescue children -- relief that has been long overdue. It is imperative that

these youth be provided the opportunity to recover from untold trauma with the assistance of long-term rehabilitative services.

In addition, the bill seeks to hinder demand by prosecuting not just the traffickers but, for the first time, the so-called johns who patronize and solicit children for illicit sexual acts. The measure requires these child predators to show by clear and convincing evidence that they reasonably believed that the person they solicited was over the age of 18.

H.R. 3530 also pays heed to the efforts of the overcriminalization task force by providing some much-needed clarity to a portion of the U.S. Criminal Code. Johns are already being prosecuted for their role in soliciting and patronizing minors for commercial sex, but this bill makes it explicitly clear that these heinous acts can be prosecuted under the child sex trafficking statutes.

And, lastly, it is clear that we need to improve collaboration between Federal, State, and local law enforcement in the fight against sex trafficking. H.R. 3530 recognizes this issue and directs the task forces within the Violent Crimes Against Children program to undertake efforts to increase coordination with State and local law to bring the fight to the johns.

I am hopeful that the clarification of the law that patronizing can be prosecuted as sex trafficking, the directive to investigate johns, and the heightened burden of proof on johns will facilitate increased prosecution of child sex offenders across our Nation. I am pleased that H.R. 3530 addresses two aspects of child trafficking that

have been left wanting for far too long: improving victim services and attacking the demand side of child sex trafficking.

Thank you, Mr. Chairman. I yield back.

Chairman Goodlatte. I thank the gentleman.

And I would now like to recognize the sponsor of this legislation, the gentleman from Texas, Mr. Poe.

Mr. Poe. I thank the chairman for bringing this legislation to the committee. I also thank the ranking member and the chairman and ranking member of the Crime Subcommittee for the hearings on this matter.

Cheryl, who lives in Houston now, grew up in an abusive home, sexually and physically was abused by her father, so at the age of 12, to get away, she ran away. She began hitchhiking with truck drivers and anyone who would take her away from the scourge of her domestic terror.

So she got a ride with a motorcyclist who turned out to be involved in human trafficking. He took her to a biker club filled with men who took advantage of her. He was her sex master, her sex trafficker. She was forced to dance at a strip club by day, and on nights she was sold, numerous times each night. Remember, Mr. Chairman, she was 12.

She was trapped in the world of human trafficking. Cheryl didn't know how to get help, and she had no one call, no one to help provide for her, or no one to rescue her. Ironically, it was a patron at one of the strip clubs that figured out she was a minor and helped her escape from this tragedy. On a long road to recovery and restoration, Cheryl

now is a survivor and she helps other trafficking victims.

Recently, it was reported that in New York City that the traffickers, the sex masters, brand the people, the young women that they sell on the streets. Mr. Chairman, in Texas, we brand cattle. Branding is for letting people know that this is property. And now sex victims, sex trafficking victims are being branded. It is also reported that one such individual, a barcode was placed on her so that the sex trader would know specifically who she was.

This is what is taking place. And as has been pointed out by both sides already, we need to deal with this immediately. It is not a crime that just happens in other places; we have this scourge of modern-day slavery right here in our own country.

In the world of criminal conduct, drugs are the number-one source of criminal revenue, but not far behind is the sex trafficking business. The reason it is increasing is because the risk of apprehension and prosecution is less and victims can be sold more than once, unlike drugs.

In the crime of human trafficking, there are three people that we need to be concerned with: the seller, the trafficker; the buyer; and the victim. This legislation does that.

First, we treat the victims as victims. These are not child prostitutes, they are crime victims. There is no such thing in our legal system, really, as a child prostitute. That denotes the idea of prostitution, that there is consent involved. Children legally cannot consent to sex. They are not child prostitutes, they are

victims of criminal conduct, and we need to treat them that way.

This bill recognizes that philosophical and social change, that victims are treated as victims. And, therefore, it provides for more services and shelters for them. It also gives resources to law enforcement, child welfare, healthcare officials, and others who will come in contact with these victims and provides them training so that they can be rescued.

The person that we need to also go after is the seller, the sex slave trafficker. They must be put away. That is why we build these prisons and jails, to put these modern-day slaveholders in jail. The bill enhances the resources available to law enforcement to make sure these traders get the punishment they deserve.

But the buyer, the consumer, the person in the middle is what the law really addresses in this legislation the most. It goes directly after the demand. In order to eliminate demand, we must target and penalize the buyer. These people are child abusers. They are not johns, they are rapists. They abuse children and should be treated that way. The days of boys being boys in this type of activity are going to end in the United States. We will only reduce the demand by punishing these pedophiles in the crimes that they engage in.

This legislation also strengthens and clarifies the Trafficking Victims Protection Act by making it clear for judges and juries and law enforcement that criminals who purchase sex acts from trafficking victims can be and should be arrested. The Eighth Circuit got it right when they determined that the Trafficking Victims Act applies to

buyers, and this law applies to that ruling by the courts.

And we are also clarifying Congress' original intent for buyers to be included under Federal law so that prosecutors can go after them and stop the demand, because that is what drives this type of conduct. We can no longer stand by while young girls are being bought and sold on the streets of the United States. We must make it clear in this legislation that children in America are no longer for sale.

I thank the chairman, and I thank the original cosponsors on this bill, Carolyn Maloney from New York.

And I will yield back to the chair. Thank you.

Chairman Goodlatte. The chair thanks the gentleman.

For what purpose does the gentlewoman from California seek recognition?

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

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Bass. Mr. Chair, I am sincerely thankful for you taking the leadership on this issue and for joining the fight against child trafficking. I am a proud cosponsor of the Justice for Victims of Trafficking Act, and I want to commend my friend, Mr. Poe, who has been a leader on this issue for many years.

I think this bill is going to do a lot of good in our fight against child trafficking. And particularly important is the requirement that States notify the National Center for Missing and Exploited Children about kids missing from foster care. Too often, foster children

disappear in the shadows and no one tries to find them. Unfortunately, once these kids fall off the radar, they often fall into the world of trafficking.

So making sure that we are looking out for these kids is a critical first step in protecting them from trafficking. We have to be vigilant, and we have to give these kids the care and attention they deserve. Under this bill, we won't lose sight of foster kids and we won't let them fall into the hands of predatory traffickers.

Also important is that we are holding the exploiters accountable. I join with Mr. Poe in saying that we need to change our language, not calling them johns but calling them child molesters who buy children, by outlawing the acts of obtaining, patronizing, and soliciting child sex. We can't continue to allow buyers to get away with this. This effort to choke off the demand side is a very important component of our fight against sex trafficking.

One of the other issues that is critical to the child welfare side of this is that most child welfare agencies around the country are not really aware of sex trafficking and the impact that it is having. And so educating social workers and the child welfare providers of this issue is critically important.

I yield back the balance of my time.

Chairman Goodlatte. The chair thanks the gentlewoman and now recognizes the gentleman from Texas to offer his amendment in the nature of a substitute.

Mr. Poe. I have an amendment at the desk in the nature of a



substitute.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment in the nature of a substitute to H.R. 3530 offered by Mr. Poe of Texas.

Chairman Goodlatte. Without objection, the amendment in the nature of a substitute is considered as read.

[The amendment of Mr. Poe follows:]

\*\*\*\*\* INSERT 1-2 \*\*\*\*\*

Chairman Goodlatte. And Mr. Poe is recognized to explain his amendment.

Mr. Poe. I appreciate the chairman bringing up this amendment in the nature of a substitute.

The bill is a domestic anti-human-trafficking bill focused on rescuing victims and tracking down exploiters and prosecuting those criminals responsible for this modern-day slavery. The substitute amendment has some changes in it to comply with House procedural rules, but the bill will reauthorize funds for the children's advocacy centers, which are critical in the restoration of child abuse victims and prosecution of child abusers.

The bill also ensures increases in money that is related from the Crime Victims Fund every year for direct services to victims and victim services. The Victims Crime Fund, VOCA, has \$11 billion in that fund, and about \$800 million of that is spent every year. This legislation in the nature of a substitute increases that at least 2 1/2 percent and that funding will go to crime victims, as well.

And so that is the purpose of this amendment in the nature of a substitute, and I will yield back my time.

Chairman Goodlatte. The chair thanks the gentleman.

Who seeks recognition?

The chair recognizes himself.

This substitute amendment offered by the bill's sponsor makes a number of important changes to H.R. 3530 while keeping in place the bill's core provisions to fight minor sex trafficking, including the

new victim-centered grant program, the clarification that sex trafficking and other forms of child exploitation can be the basis for a warrant, and provisions aimed at the demand side of this terrible crime.

The amendment removes the special assessment from the original bill, which triggered concerns as a revenue-raising provision under the House rules, and instead funds the bill's grant program through a previously enacted authorization in another related grant.

The amendment also helps to ensure that even more support is given to victims of crime by reauthorizing the Federal funding for child advocacy centers and raising the annual obligation cap for the Justice Department's Crime Victims Fund.

That fund currently holds over \$10 billion from Federal criminal fines and assessments, and the amount continues to grow every year. Yet Congress would prefer to use this money as a budgetary trick instead of getting the money out to the victims it is intended to help. This bill is the first step toward addressing that travesty.

I want to thank the gentleman from Texas for working with the committee to draft this strong bipartisan bill, and I urge my colleagues to support the substitute amendment.

The amendment in the nature of a substitute is now open for amendment, and the chair recognizes the gentleman from Arizona, Mr. Franks.

Mr. Franks. Well, thank you, Mr. Chairman. I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to the amendment in the nature of a substitute to H.R. 3530 offered by Mr. Franks of Arizona and Mr. Poe of Texas. Page 21, after line --

Chairman Goodlatte. Without objection, the amendment is considered as read.

[The amendment of Messrs. Franks and Poe follows:]

\*\*\*\*\* INSERT 1-3 \*\*\*\*\*

Chairman Goodlatte. And the gentleman from Arizona is recognized for 5 minutes on his amendment.

Mr. Franks. Well, thank you, Mr. Chairman.

And thank you, Mr. Poe, for not only sponsoring this legislation but this amendment in particular.

Mr. Chairman, according to President Reagan's Task Force on Victims of Crime some 32 years ago, he said, quote, "In applying and interpreting the vital guarantees that protect all citizens, the criminal justice system has lost an essential balance. The victims of crime have been transformed into a group oppressively burdened by a system designed to protect them. This oppression must be redressed."

Mr. Chairman, this amendment provides that crime victims are informed in a timely manner of any plea bargain or deferred prosecution agreement and advised of their rights and support services available to them under the law.

When Congress passed the Crime Victims' Rights Act, it intended to protect crime victims throughout the criminal justice process, from the investigative process to the final conclusion of a particular case. Unfortunately, this Department of Justice has taken the view that these rights do not arise without prosecutors first choosing to file formal criminal charges.

Now, Mr. Chairman, this is completely wrong. And, unfortunately, it is typical of taking kind of a broad view of the law that doesn't look at the specifics. Now, properly understood, the Crime Victims' Rights legislation does indeed extend crime victims'

rights during criminal investigations.

Now, Mr. Chairman, I would just offer this as an example of why this is important. In *Does v. United States*, a Federal case in the U.S. District Court for the Southern District of Florida, their attorney general there had compelling evidence that billionaire Jeffrey Epstein had sexually molested more than 30 young girls between 2001 and 2007. He also had considerable and extensive political and social connections.

And through the process, after pressure from Epstein for reasons that have never been fully explained, the attorney general there offered and entered into a nonprosecution agreement, and Epstein agreed to plead to two State felonies for soliciting prostitution with a minor. And then, of course, he was sentenced to only 18 months in jail, and no Federal charges were ever filed. And he spent most of his 18-month term on work release in a luxurious office.

Unfortunately, Mr. Chairman, the Office of the Attorney General did not tell his victims about the nonprosecution agreement until well after they had taken effect. And, unfortunately, they were told that the case was still under investigation even after the agreement had been signed.

So, Mr. Chairman, their only effort was to go back and try to seek redress, and they were told in very blunt terms that the criminal victims' rights do not attach to the absence of a Federal criminal charge by a Federal prosecutor. In short, the government said it was not required to confer in any way with the victims because the CVRA

was not yet in play. And that is what this amendment fixes, Mr. Chairman. It says that, throughout the process, crime victims' rights will be recognized.

And, lastly, the amendment provides flexibility if the parties agree to the time clock for the Court of Appeals to take up writs of mandamus. And it would clarify the appellate standard of review applicable to existing procedures by the CVRA in which a crime victim can seek review of a denial of their rights.

And so, Mr. Chairman, I would hope that, in the spirit of the law as it was written and that this would clarify that, I would ask members of this committee to support this amendment and would yield back.

Chairman Goodlatte. Would the gentleman yield?

Mr. Franks. Certainly.

Chairman Goodlatte. I want to indicate to the gentleman that I support his amendment.

It makes several technical and conforming changes to the Crime Victims' Rights Act. And that act gives crime victims, quote, "the right to participate in the system," end quote, including the right to be treated with fairness and with respect for the victim's dignity and privacy and the reasonable right to confer with the attorney for the government in the case.

The law also instructs that these rights must be provided not just by the Justice Department but by other departments and agencies of the United States engaged in the detection, investigation, and prosecution of crime.

Despite this mandate, in 2010, the Department's Office of Legal Counsel issued an opinion concluding that the CVRA does not confer rights on victims of Federal crimes until prosecutors initiate formal criminal proceedings via the filing of a complaint, information, or indictment. The result of this opinion is that Federal prosecutors are not required to notify crime victims of plea bargains or deferred prosecution agreement negotiations that occur prior to the filing of a formal charge.

This amendment clarifies Congress' intent that crime victims be notified of plea bargains or deferred prosecution agreements, including those that may take place prior to the formal charge.

The CVRA empowers crime victims to challenge the denial of their rights through a writ of mandamus. However, since its enactment, the circuit courts have split on the issue of what standard of review should apply to such writs.

This amendment adopts the approach followed by the Ninth Circuit in *Kenna v. U.S. District Court for the Central District of California* and the Second Circuit in *In Re W.R. Huff Asset Management Company*, namely that despite the use of a writ of mandamus as a mechanism for crime victims enforcement, Congress intended that such writs be reviewed under ordinary appellate review standards.

I want to thank the gentleman from Arizona for offering this amendment, and I urge my colleagues to join me in supporting it.

For what purpose does the gentleman from Georgia seek recognition?



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

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Johnson. Thank you, Mr. Chairman.

To my friend, Chairman Franks, when did this Epstein case get decided? When was it finalized?

Mr. Franks. Mr. Johnson, this would have been in 2010.

Mr. Johnson. In 2010. All right.

I will yield back.

Chairman Goodlatte. The chair thanks the gentleman.

The question occurs on the amendment offered by the gentleman from Arizona, Mr. Franks.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the ayes have it, and the amendment is agreed to.

Are there further amendments to the amendment in the nature of a substitute?

For what purpose does the gentlewoman from Texas seek recognition?

Ms. Jackson Lee. I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

The gentlewoman has two amendments.

Ms. Jackson Lee. I am in the process of revising amendment No. 410, but I am calling up 411. Thank you.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to the amendment in the nature of a substitute to H.R. 3530 offered by Ms. Jackson Lee of Texas. Page 21, after line --

Chairman Goodlatte. Without objection, the amendment will be considered as read.

[The amendment of Ms. Jackson Lee follows:]

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Chairman Goodlatte. And the gentlewoman is recognized for 5 minutes on her amendment.

Ms. Jackson Lee. Let me thank the chairman and the ranking member for convening this markup on the important Justice for Victims of Trafficking Act, of which I am a cosponsor, that is led by our colleague Congressman Ted Poe and a number of the other Members who, together, we have been working on this issue for an extensive time. And I thank you for highlighting this most important --

Chairman Goodlatte. How are you?

Ms. Jackson Lee. Has the amendment been presented? I am so sorry.

Chairman Goodlatte. I apologize. I had my microphone turned on as I --

Ms. Jackson Lee. And you were talking to Ms. Bass, and that is a good person to be talking to. But let me make sure the amendments are in place.

Chairman Goodlatte. Has the gentlewoman completed her remarks on her amendment?

Ms. Jackson Lee. No, I was pausing to wait until the Members finished.

Chairman Goodlatte. I apologize. The gentlewoman should proceed with her discussion regarding her amendment.

Ms. Jackson Lee. I was indicating that this is important work, and I appreciate the efforts that have been put into this.

This amendment is a simple statement that adds to the legislation

inasmuch as the legislation captures a number of important values, and this adds a statement in substitution of findings. Because when Mr. Poe and myself had the opportunity to participate in a hearing, a Federal congressional hearing in Houston, Texas, it was clear that this is pervasive, that it is on an epidemic level, and it is, in fact, a disastrous state of affairs that this legislation will certainly help to counter.

But my sense of Congress simply states, it is the sense of Congress that domestic child trafficking has no place in a civilized society and that those persons who engage in this illicit trade should be prosecuted to the fullest extent of the law.

It is not redundant. It is a simple acknowledgment of the importance of this legislation. And it ensures the full participation of State and local enforcement agencies, which, I can tell my colleagues from the hearing that we had, they were championing the need for a full-force approach to the issue of human trafficking.

We recognize that there are other cities and States that are impacted by this. We want to make sure our agencies, as this bill dictates, will have the tools and resources and training that is necessary. And we also are hopeful that we can build on this legislation, as I intend to introduce legislation for a database collection dealing with assisting law enforcement across the Nation.

But I would like to thank my colleagues for allowing me to offer this amendment and just emphasize, for I think Mr. Farenthold was at that hearing, as well, that it was enormously eye-opening, and it gives

us a greater opportunity to acknowledge, from the perspective of the United States Congress, to acknowledge the importance and crucialness of this legislation and focusing on some of the major victims of this, and that is children, as it is women. But, in particular, child trafficking is most heinous and continues at this time.

With that, I will yield back my time.

Chairman Goodlatte. The chair thanks the gentlewoman and recognizes himself in support of the amendment, which provides a sense of Congress that minor sex trafficking is a terrible crime that should be prosecuted to the fullest extent of the law.

This committee, through the Crime Subcommittee, has heard extensive testimony on the extent to which this crime can decimate the lives of children and other victims. And I support the amendment.

Is there further discussion?

If not, the question occurs on the amendment offered by the gentlewoman from Texas.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the ayes have it, and the amendment is agreed to.

The chair recognizes the gentlewoman from Texas.

Ms. Jackson Lee. Mr. Chairman, I am now modifying the present amendment. I will have it in 1 second, if I can get it copied.

The intent of the amendment was not to educate. It was to give time, as testimony evidenced in our hearing, give time to the victim

to be able to indicate whether they wanted to testify.

All of law enforcement agrees that there is a particular visa that can be utilized, but the victim has to answer it right away. And so we wanted, at the discretion of DHS, so that if the victim can answer in 24 hours or answer in 3 days, that they don't lose the right to get that relief.

Chairman Goodlatte. Are there any other amendments, other than one offered by the gentlewoman from Texas?

I would say to the gentlewoman that if it is not possible to modify it in time to be considered, we would be happy to work with you on that moving to the floor.

Ms. Jackson Lee. It is modified right now. I --

Chairman Goodlatte. All right.

Ms. Jackson Lee. And you can have the opportunity to -- I can -- if the chairman would give me just a moment, I would appreciate it.

Mr. Scott. Mr. Chairman? Point of order.

Chairman Goodlatte. For what purpose does the gentleman from -- the gentleman will state his point of order.

Mr. Scott. Do we have a copy of the amendment?

Ms. Jackson Lee. They are making copies.

Mr. Scott. Okay.

Ms. Jackson Lee. Thank you. I thank the gentleman for asking. We are hoping the machine at least gives it to the chairman and to you.

While we are --

Mr. Scott. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentleman from Virginia seek recognition?

Mr. Scott. Could you explain how this differs from the original amendment that had been previously filed?

Ms. Jackson Lee. I would be happy to do --

Chairman Goodlatte. If the gentlewoman would suspend, I believe that the amendment is now ready to be reported.

And, without objection, the clerk will report the amendment.

Ms. Deterding. Amendment to the amendment in the nature of a substitute to H.R. 3530 offered by Ms. Jackson Lee of Texas. Page 21, after line 24, insert the following: To provide human trafficking victims extra time at the discretion of DHS to decide on choosing immigrant relief in order to cooperate with law enforcement.

[The amendment of Ms. Jackson Lee follows:]

\*\*\*\*\* INSERT 1-5 \*\*\*\*\*

Chairman Goodlatte. For what purpose does the gentleman from North Carolina seek recognition?

Mr. Chabot. Mr. Chairman?

Chairman Goodlatte. The gentleman from Ohio?

Mr. Chabot. Reserve a point of order, please.

Chairman Goodlatte. A point of order is reserved.

And the gentlewoman from Texas is recognized for 5 minutes on her amendment.

Ms. Jackson Lee. First, let me explain the difference with the first amendment.

In the hearing that we held, the law enforcement officers, and particularly ICE, indicated that the T and U visa that is given to victims of crimes, sexual crimes, only is allowed if the victim answers immediately. I think Mr. Farenthold heard that testimony. If you are arrested, or not -- when I say "arrested," you are rounded up and you are in process and you have to answer. These may be children, teenagers, women that are brutalized.

And the officers themselves said, we would appreciate if there would be more time for this victim to be able to assess themselves, their condition, they are frightened, some of them need to be hospitalized, to be able to say, yes, we are going to testify. And then ICE would proceed with determining the applicability of the visa.

So all this says, rather than education and providing any extra costs, is to give that victim time at the discretion of DHS. These are not new visas. This is not an immigration bill. It simply says



it gives them more time.

And it is only at the discretion of DHS, the arresting officer, that -- when I say the ICE officer, which -- it could be corrected to say ICE, because that would be the officer that would be handling it. And I assume that would be something that would be the preferable utilization for this committee, that it would be ICE.

So that is the only issue here. No education, no money, and no immigration relief, if someone thinks that that is what it is. It is not.

Mr. Poe. Would the gentlelady yield?

Ms. Jackson Lee. I can't see who is -- yes. Yes, Congressman, I am yielding.

Mr. Poe. If I understand the gentlelady right, based upon the hearing that was held in Houston, where numerous Members of Congress on both sides were there and law enforcement, but the immigration services told us, if I understand your statement --

Ms. Jackson Lee. Yes.

Mr. Poe. -- that when a victim, an international victim without documents --

Ms. Jackson Lee. Right.

Mr. Poe. -- is rescued by the police, law enforcement, and is asked, will she cooperate -- primarily it is a female -- she must give an answer immediately, whether she will cooperate or not. She doesn't have 24 hours or 2 days. And if she doesn't answer that she will, she is put in a different status than if she answered immediately.

And you are just asking that she get more time to make that determination. Is that what your amendment is trying to do?

Ms. Jackson Lee. You are absolutely correct, Mr. Poe.

And, again, I used "DHS" broadly. I recognize -- I am willing to make "DHS" "ICE," I-C-E, so that it would be in jurisdiction here. So I am willing to accept the modification thereof.

But you are absolutely correct. That is all. We are not adding any visa. We are not taking any visa away. We are not giving immigration status. That is all we are doing. That is all this amendment asks to do.

We are not asking for education or training. These officers are well-trained with these victims. And they said that they are so vulnerable and they may be in a condition that they have been physically harmed, they have to take them to a medical facility, and they have to answer that question right then and there. And that is all we are asking.

Chairman Goodlatte. Does the gentleman from Ohio insist upon his point of order?

Mr. Chabot. Mr. Chairman, the amendment goes beyond the scope of the bill by addressing immigrant relief, and, therefore, I must insist on my point of order.

Chairman Goodlatte. Does the gentlewoman offering the amendment wish to speak on the point of order?

Ms. Jackson Lee. Well, I do, because we have jurisdiction in this committee on immigrant relief. And it may be inartfully using that

terminology, but this committee has immigration relief. We have visa relief, we have T and U visa relief. These are only to deal with giving this individual that is so victimized more time.

And I would be happy to yield -- well, let me just say this. I disagree with the point of order because this committee's jurisdiction does have immigrant relief, and it, I believe, is an important part of that immigrant relief. We are not adding any jurisdiction to this committee. The committee has jurisdiction over T and U visas.

And I used it generally because I said "relief" so that we would not be tied to an immigration amendment. It is not. It is to utilize existing law. We have jurisdiction over existing law.

Chairman Goodlatte. The chair is prepared to rule on the point of order, and the chair would --

Mr. Nadler. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentleman from New York seek recognition?

Mr. Nadler. On the point of order.

Chairman Goodlatte. The gentleman is recognized.

Mr. Nadler. Thank you.

Mr. Chairman, the gentlelady, whom I commend for this amendment because I think it deals in a very easy way with a real problem that no one will deny, she has brought forward a real problem, and she has brought forward an amendment that I don't know that anyone on the committee would disagree with substantively.

The committee has, as she stated, plenary jurisdiction on

immigration. The committee can, if it wishes, certainly by unanimous consent consider the amendment. It may be technically out of order as beyond the scope of the bill as drafted, although I don't think anyone would deny that had the bill been drafted differently, within the jurisdiction entirely of this committee, it could have been in there.

So I would simply ask that unless there is any substantive disagreement or hesitation with this amendment, that consideration be given to withdrawing the point of order so that the committee can do what it ought to do, unless someone has a substantive concern, in which case the point of order ought to be considered on its merits.

So I would ask that it be withdrawn if there is no substantive question here.

Mr. Farenthold. If the gentleman will yield?

Mr. Nadler. Sure.

Mr. Farenthold. It probably is technically out of order, but having attended that hearing with the gentlelady from Texas and the gentleman from Texas, this was a problem that was pointed out, and this is potentially an opportunity to correct it.

I realize that this amendment was hastily drafted. And, you know, perhaps even if the point of order is sustained, the committee could work with the gentlelady from Texas on finding a solution to this problem that law enforcement did point out to us.

Mr. Nadler. As the bill goes on.

Chairman Goodlatte. The gentleman from Texas has -- the chair recognizes himself on the issue of the point of order.

The gentleman from Texas has an excellent recommendation. The chair does have substantive concerns about the amendment as drafted. And if the gentlewoman would withdraw the amendment, the chair would commit and I am sure the gentleman from Texas would commit to working with her on language as we move to the floor.

Otherwise, the chair is prepared to rule on the point of order.

Ms. Jackson Lee. Well, let me -- you are yielding to me, Mr. Chairman?

Chairman Goodlatte. I am.

Ms. Jackson Lee. Okay. One is never willing to give up on children and give up on the importance of the message that was given to us in the hearing --

Chairman Goodlatte. Reclaiming my time, we are not asking you to do that. We are asking you to work with us moving forward so we can address your concern, if it is possible to do so.

Ms. Jackson Lee. Well, I think it is a simple process, and I will accept the gentleman's charitable offer. And I will qualify my acceptance. Let me just thank Mr. Poe and Mr. Farenthold for acknowledging the issue, and to respectfully disagree with the gentleman from Ohio that has offered a point of order, as I am willing to modify it here at the table.

But I understand this bill is coming to the floor next week, and, therefore, I would not want this not to be able to be part of the legislation, in keeping with Mr. Poe and Mr. Farenthold's very kind acknowledgment that this was a very important issue.

Can I yield back to the chairman about the timeliness of this going to the floor and being able to work on this?

Chairman Goodlatte. The chair is willing to work with the gentlewoman as we move forward to the floor to see if the language can be perfected that would address the concerns that I and others have with regard to the bill.

Ms. Jackson Lee. And if I might inquire again, Mr. Chairman, is this bill expected to be on the floor next week?

Chairman Goodlatte. We do not know the answer to that question. It is possible that it could come up that soon, but we have not been given an indication that it will be.

Ms. Jackson Lee. Well, I certainly would celebrate if it could. Who --

Chairman Goodlatte. We would, too, but we are also willing to work expeditiously with you, moving to the floor.

Ms. Jackson Lee. Mr. Chairman, I am willing to withdraw.

And sorry to make a number of inquiries at this point, with a great deal of disappointment and the lack of understanding of this particular point. But who, then, will we engage with specifically to move this quickly so that we can be --

Chairman Goodlatte. Me.

Ms. Jackson Lee. -- responsive to the chairman?

Chairman Goodlatte. Me.

Ms. Jackson Lee. Thank you very much. I will look forward to engaging. Thank you again.

With that, Mr. Chairman, I will withdraw this at this time to be able to engage and provide the language for the bill coming forward.

I yield back.

Chairman Goodlatte. The chair thanks the gentlewoman. The amendment is withdrawn.

Are there further amendments to H.R. 3530?

If not, the question is on -- amendments to the substitute to H.R. 3530?

The question is on the Poe amendment in the nature of a substitute to H.R. 3530.

All those in favor will say aye.

Those opposed, no.

In the opinion of the chair, the ayes have it, and the amendment is agreed to.

A reporting quorum being present, the question is on the motion to report the bill H.R. 3530 as amended favorably to the House.

Those in favor will say aye.

Those opposed, no.

In the opinion of the chair, the ayes have it, and the bill as amended is ordered reported favorably.

Members will have 2 days to submit views.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Chairman Goodlatte. Without objection, the bill will be reported as a single amendment in the nature of a substitute incorporating all adopted amendments. And staff is authorized to make technical and conforming changes.

Mr. Collins. Mr. Chairman?

Chairman Goodlatte. For what purpose does the gentleman from Georgia seek recognition?

Mr. Collins. I just need to make a point. I was called to another committee markup and did not make it back, but would like to recognize that if I had been here I would have also voiced support for Ms. Jackson Lee's amendment, as well.

Chairman Goodlatte. The gentleman's comments will be made part of the record.

Pursuant to notice, I now call up H.R. 3610 for purposes of markup and move that the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Deterding. H.R. 3610, to stop exploitation through trafficking.

Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any point.

[The information follows:]

\*\*\*\*\* INSERT 1-6 \*\*\*\*\*



Chairman Goodlatte. I will begin by recognizing myself for an opening statement.

H.R. 3610, the Stop Exploitation Through Trafficking Act of 2013, was introduced by Mr. Paulson of Minnesota and Ms. Moore of Wisconsin in November 2013. Cosponsored by a number of Members from both sides of the aisle, this bill enjoys broad bipartisan support.

Beginning with the Trafficking Victims Protection Act of 2000, Congress has legislated that minor participants in commercial sex acts are to be considered victims of these crimes rather than criminals themselves. The majority of States, however, maintain statutes criminalizing minor prostitution directly conflicting, in many instances, with other State laws regarding statutory rape and child abuse.

This inherent discrepancy was observed by one Dallas police sergeant when he noted that if a 45-year-old man had sex with a 14-year-old girl and no money changed hands, she was likely to get counseling and he was likely to get jail time for statutory rape. If the same man left \$80 on the table after having sex with her, she would probably be locked up for prostitution and he would go home with a fine as a john.

A growing number of States have recognized the pervasiveness of this problem and taken steps to address the issue, either through decriminalization of minor prostitution or by ensuring minor victims have access to the services and support needed for recovery.

H.R. 3610 attempts to continue that trend by encouraging States,

through the grant-making process, to enact safe-harbor legislation aimed at ensuring that these victims are treated as victims, not criminals, and are directed to support services not detention facilities.

In furtherance of these goals, the bill also requires the Attorney General to report on restitution collected from convicted trafficking offenders, establishes a national human trafficking hotline, and ensures that young victims of human trafficking are eligible to enroll in the Job Corps.

In a recent Crime Subcommittee titled "Innocence for Sale: Domestic Minor Sex Trafficking," we examined the effects of criminalizing minors under these circumstances. A witness at this hearing, Mrs. "T" Ortiz Walker Pettigrew, herself a victim of minor sex trafficking, testified about the power her trafficker held over her and the debilitating effects of being treated like a criminal when encountered by law enforcement.

She noted that, quote, "After being repeatedly beaten, tortured, and manipulated, I became more afraid of my pimp than any other human being on this planet. So anytime I came in contact with law enforcement, I knew I had to protect him to protect myself. Plus, every time I encountered law enforcement, I was treated like a criminal."

We must act now to help ensure these children receive the services and support they badly need. I urge my colleagues to join me in support of this important legislation.

And I now recognize our ranking member, the gentleman from

Michigan, Mr. Conyers, for his opening statement.

Mr. Conyers. Thank you, Chairman Goodlatte.

H.R. 3610, the Stop Exploitation Through Trafficking Act, is a bipartisan measure intended to facilitate the establishment of safe harbors for children who have been victims of sex trafficking. Safe harbors are needed to prevent youths forced into the sex trade from being victimized and stigmatized a second time by the criminal justice system itself.

These children are not criminals. They are victims of the most severe form of human trafficking and abuse who deserve to be rescued and treated so that they overcome their traumas. H.R. 3610 addresses this critical need by creating incentives for States to establish safe harbors.

It also goes a step further, to allow victims of sex trafficking with related criminal charges to be eligible for acceptance to the Job Corps, an important step for reintegration into society. And it requires the Attorney General to create a process that would monitor the issuance and enforcement of mandatory restitution orders.

I believe that the report required by this bill will provide a strong basis for the next steps to ensure that victims are justly compensated for the traumas imposed on them by the vile men and women who traffic them. And, accordingly, I am pleased to join in support of this very important legislation.

Mr. Chairman, I yield back my time.

Chairman Goodlatte. The chair thanks the gentleman and now

recognizes the gentleman from North Carolina, Mr. Holding, to offer an amendment in the nature of a substitute.

Mr. Holding. Thank you, Mr. Chairman. I have an amendment at the desk.

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment in the nature of a substitute to H.R. 3610 offered by --

Chairman Goodlatte. Without objection, the amendment in the nature of a substitute is considered as read.

[The amendment of Mr. Holding follows:]

\*\*\*\*\* INSERT 1-7 \*\*\*\*\*

Chairman Goodlatte. And Mr. Holding is recognized to explain his amendment.

Mr. Holding. Thank you, Mr. Chairman.

As we have already discussed this morning, sex trafficking of minors is a terrible and unfortunately it is a growing crime. According to the FBI, sex trafficking is the fastest-growing business of organized crime and the third-largest criminal enterprise in the world.

While I strongly support all efforts to stop this crime, including those being considered today, it is also important for Congress to focus on the victims of -- minor victims of sex trafficking. This amendment does exactly that.

Under this amendment, States are incentivized to put in place laws to clearly recognize that minors engaged in prostitution are not criminals but, rather, victims who need to be protected from further trauma in the criminal justice system. This amendment provides an incentive by giving States with safe-harbor laws additional preference for Federal funding under the Justice Department's COPS Program.

Further, this amendment requires the Justice Department to report to Congress on restitution orders and human trafficking cases and expands the list of offenses for which this and other reporting is done.

The amendment also codifies a national human trafficking hotline and makes it easier for sex trafficking victims to take part in the Job Corps. All of this will help to ease victims' paths to recovery.

My own State of North Carolina is one of fewer than a dozen States

to have passed legislation explicitly recognizing that the children involved in prostitution are not criminals but, rather, victims involved in a modern-day form of slavery. H.R. 3610 is an important step towards ensuring that this becomes true nationwide.

Of note, Mr. Chairman, the National Center for Missing and Exploited Children has weighed in, commending the substitute amendment to H.R. 3610, noting that it addresses several critical aspects of the problem of child sex trafficking in the United States. And I would like to seek unanimous consent to enter that letter from the Center into the record.

Chairman Goodlatte. Without objection, the letter will be made a part of the record.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Chairman Goodlatte. And would the gentleman yield?

Mr.  Holding. Yes, Mr. Chairman.

Chairman Goodlatte. The gentleman's substitute amendment preserves the central piece of the underlying bill while also making some important changes.

Specifically, the amendment encourages the States to implement safe-harbor laws, which the amendment broadly defines to include diversion programs that help young victims of minor sex trafficking to get the services and assistance they need to recover.

Instead of penalizing the States that do not have such laws with a reduction in Byrne JAG funds, the substitute amendment provides an incentive by giving States with safe-harbor laws additional preference in applications for COPS grants. This is an appropriate approach that I support, and I urge my colleagues to join me in supporting the amendment.

For what purpose does the gentleman from Michigan seek recognition?

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Mr. Conyers. Thank you, Mr. Chairman.

3610, H.R. 3610, the Stop Exploitation Through Trafficking Act, is a bipartisan measure intended to facilitate the establishment of safe harbors for children who have been victims of sex trafficking. Safe harbors are needed to prevent youths forced into the sex trade from being victimized and stigmatized a second time by the criminal justice system. I want to emphasize, these children are not criminals. They are victims of the most severe form of human trafficking and abuse who deserve to be rescued and treated so that they overcome their traumas.

3610 addresses this critical need by creating incentives for States to establish safe harbors. But it also goes a step further to allow victims of sex trafficking with related criminal charges to be eligible for acceptance to the Job Corps, an important step for reintegration into society, and it requires the attorney general to create a process that would monitor the issuance and enforcement of mandatory restitution orders. I believe that the report required by this bill will provide a strong basis for the next steps to ensure that victims are justly compensated for the traumas imposed on them by the vile men and women who traffic them, and accordingly, I join with the chairman and urge my colleagues to support this important legislation.

I yield back.



Chairman Goodlatte. The chair thanks the gentleman.

Are there amendments to the amendment?

For what purpose does the gentlemen from Virginia seek recognition?

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

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to the amendment in the nature of a substitute to H.R. 3610, offered by Mr. Scott. Page 3 --

Chairman Goodlatte. Without objection, the amendment will be considered as read.

[The amendment of Mr. Scott follows:]

\*\*\*\*\* INSERT 2-1 \*\*\*\*\*

Chairman Goodlatte. And the gentleman is recognized for 5 minutes on his amendment.

Mr. Scott. Thank you.

Mr. Chairman, the amendment increases the number of statutes to be included for data collection and makes more precise demographic data available for those convicted of these charges, and I would hope that that amendment would be adopted.

I just want to speak generally on the bill. I thank the gentleman from North Carolina for his amendment. The Stop Exploitation Through Trafficking Act is another bipartisan weapon in the war against sex trafficking in our country. The bill contains important victim-based initiatives to help combat sex trafficking. One of those initiatives, the National Safe Harbor Law, is essential to making sure that victims of sex trafficking are not criminalized; instead are diverted to child protective services. Only 12 States have passed safe harbor laws for minor victims of sex trafficking.

And, Mr. Chairman, as you have pointed out, there is no such thing as a child prostitute; only child rapists. It is illegal for adults to have sex with children who are under the age of consent. It is rape. And it doesn't diminish the seriousness of the crime by having the john pay for the sex. It is still rape. We must punish those who prey on the vulnerable. We must not continue to victimize the victims.

In an effort to help their recovery, the bill empowers victims with a national hotline to request help. It also helps victims obtain restitution and grants them eligibility for Job Corps programs. This

bill will help ensure that victims of sex trafficking are treating as victims across all geographic and jurisdictional boundaries. Again, I commend the sponsors of the legislation. I urge my colleagues to adopt my amendment and then to adopt the bill.

Chairman Goodlatte. Would the gentleman yield?

Mr. Scott. I yield.

Chairman Goodlatte. I thank the gentleman for yielding. This amendment does two things. The first part adds several additional Federal crimes involving the sexual exploitation of children to an existing report created by the Trafficking Victims Protection Act. The second part of this amendment asks the Justice Department to report to Congress on certain characteristics of defendants prosecuted for trafficking-related offenses. Much of this information is already collected by the Federal Government.

I have no objection to the amendment. In fact, I support the amendment.

And for what purpose does the gentleman from -- actually the gentleman from Virginia still has time.

Mr. Scott. I yield back.

Chairman Goodlatte. He yields back.

For what purpose does the gentleman from Pennsylvania seek recognition?

Mr. Marino. Move to strike the last word.

Chairman Goodlatte. Gentleman is recognized for 5 minutes.

Mr. Marino. I just want to bring to the attention a case that

I tried in my last year at the U.S. Attorney's Office concerning sex exploitation. It was a rather gruesome case. There were 16 men and women defendants, men and women defendants. There were 12, I think maybe as high as 14, victims, all females. Half of those victims were under the age of consent. One was 12 years old. The business was designed specifically for sex to make money, and the charges ranged from, and they were found guilty of, commercial sexual exploitation and prostitution; interstate sex trafficking of women; interstate travel and aiding of racketeering; transportation and interstate commerce of a minor with the intent to prostitute -- guilty verdicts on all these. Coercing and enticement of women to engage in prostitution, and we are talking about a 12-year-old as well. Sex trafficking of children by force, fraud and coercion, guilty. Money laundering, guilty. And the maximum sentences for most of these people ended up being 45 years. I would have liked to have seen it be for life, but that is probably life for most of them.

And I had an opportunity to spend some time with the victims, and you really have to spend the time to see the fear, see the emotion and the frustration in them. These are young women who -- this is rape. This is forcible, brutal rape. These women were promised that -- from 2001 to 2004, defendants ran a multiple-State prostitution ring by transporting women and girls to truck stops. Now listen to the number of States in this: In Pennsylvania, Ohio, Michigan, Indiana, Illinois, Arkansas, Virginia, Georgia, Maryland, Tennessee, the District of Columbia, California, Nevada, Texas and Louisiana,

defendants were recruited by telling them that they could make real good money prostituting. They would be provided with a family environment. All their resources, including meals, clothing, cell phones, would be paid for by them, but yet they were forced to engage in commercial sex acts through beatings, sexual assaults and burning with cigarettes, locked up, threatening the known family members if they didn't continue with this. There were some individuals that were just so terrified, they would not testify, but we did have most of the victims testify. And perhaps it is something that we should all witness when these victims are on the stand having to face those 12 defendants that put them through hell.

So I am just wanting to bring out the fact that this happens right here in each of our back yards. There is a lot of money to be made at it, and we have to be all over this, even to the point, I think, for making mandatory sentencing in these cases for life.

With that, I yield back. Thank you.

Chairman Goodlatte. The chair thanks the gentleman.

Is there anyone else seeking recognition on the Scott amendment.

Mr. Conyers. I do.

Chairman Goodlatte. The gentleman from Michigan is recognized for 5 minutes.

Mr. Conyers. Thank you, Chairman Goodlatte.

A month ago, on March 26th to be exact, we convened in this committee a hearing on the issue of domestic minor sex trafficking. At that hearing, the FBI testified that it focuses its efforts on

rescuing victims and prosecuting traffickers. While these are, of course, commendable goals, the FBI could not answer the question of how many purchasers, known as johns, had been investigated or prosecuted federally.

This singular focus on the supply side, meaning traffickers, is common, not only in Federal prosecutions but State ones as well. But it ignores the reality that the people who create the market for this heinous crime are often permitted to walk away with just a warning. Very little, if anything, is done to prosecute purchasers and johns on the demand side. And that is why I am so pleased to urge support of my colleague, Mr. Scott's, amendment to this bill.

It would collect data on all sex trafficking statutes. More importantly, it will give the Department of Justice and Congress a picture of who is being investigated and prosecuted for these crimes. It will enable the Department to track and measure how many cases they are prosecuting, under which theories of criminal liability, whether they are addressing the demand side of the problem or only the supply side, and whether there exists a gender- and race-based disparity in how these laws are being enforced. This collection of data will aid the Department in recognizing and ameliorating the disparity in prosecutions of victims and traffickers as opposed to purchasers. And for those reasons, I support the amendment and urge my colleagues to do so as well.

I yield back the balance of my time.

Chairman Goodlatte. The chair thanks the gentlemen.

The question occurs on the amendment offered by the gentleman from Virginia, Mr. Scott.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the ayes have it, and the amendment is agreed to.

Are there further amendments to the amendment in the nature of a substitute?

For what purpose does the gentleman from South Carolina seek recognition?

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

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to the amendment in the nature of a substitute to H.R. 3610, offered by Mr. Gowdy of South Carolina. Page 5, after line 2, insert the following --

Chairman Goodlatte. Without objection, the amendment is considered as read.

[The amendment of Mr. Gowdy follows:]

\*\*\*\*\* INSERT 2-2 \*\*\*\*\*

Chairman Goodlatte. And the gentleman is recognized for 5 minutes on his amendment.

Mr. Gowdy. Thank you, Mr. Chairman.

This amendment remedies a jurisdictional issue with respect to the authority of the United States Marshal Service. Statistics show, Mr. Chairman, in cases involving children who were abducted and subsequently murdered, 74 percent of them were killed within 3 hours of being abducted; 44 percent are killed within 1 hour of being abducted; and 40 percent are killed before the police are even called.

This means, at a minimum, Mr. Chairman, time is of the essence.

In recent years, the United States Marshal Service has received an increasing number of requests from other law enforcement agencies at the State, local and Federal levels to support missing child cases, and the marshals have come to be recognized as an important resource in assisting crimes against children, particularly due to its success in the enforcement of Adam Walsh Act.

However, under current authority, the Marshal Service is limited in the assistance it can provide to law enforcement, unless a warrant has been issued for the perpetrator. This means the Marshal Service is often unable to fully participate or assist with the FBI or in Amber Alert cases or in other cases involving missing children and the investigation thereof.

This amendment would give the Marshal Service the discretionary authority to support upon request the lead law enforcement agency investigating a missing child where a crime of violence has occurred



or factors elevating risk to the child have been identified.

Importantly, Mr. Chairman, it would not expand the Marshal Service's jurisdiction, which I hasten to add is already as broad as any law enforcement agency in the Federal system, but it would not expand a marshal's jurisdiction to investigate violations of Federal criminal law that it is not currently already equipped with jurisdiction to investigate. Rather, the marshals would be able to contribute its unique specialty of finding people to any agency or department working a missing child case. This amendment will significantly enhance the Department of Justice's mission to prevent crimes against children, and I would respectfully urge my colleagues to support this amendment.

With that, I would yield back.

Chairman Goodlatte. Would the gentleman yield?

Mr. Gowdy. Yes, sir. I will.

Chairman Goodlatte. I thank the gentleman for yielding.

The gentleman offers an important change to Federal law that will enhance the Department of Justice's ability to locate critically missing children. The U.S. Marshal Service is the Federal law enforcement agency with expertise in locating individuals sought by law enforcement and partners closely with the National Center for Missing and Exploited Children. USMS resources are frequently requested by State and local law enforcement agencies facing a critically missing child case.

However, USMS investigative authority is currently limited to

missing child cases with an established fugitive or sex offender compliance nexus. Often the circumstances surrounding a critically missing child case are unclear, and as the gentleman stated, time is of the essence.

This amendment would permit the Marshal Service to assist in locating a child or child's abductor upon request of a State, local or Federal law enforcement agency. This is an appropriate approach that I support, and I urge my colleagues to join me in supporting the gentleman's amendment.

Who seeks recognition? For what purpose does the gentleman from Michigan seek recognition?

Mr. Conyers. I rise to support this amendment.

Chairman Goodlatte. Gentleman is recognized for 5 minutes.

Mr. Conyers. And I commend the gentleman from South Carolina for this important clarification.

I yield back.

Chairman Goodlatte. The question occurs on the amendment offered by the gentleman from South Carolina.

All those in favor, respond by saying aye.

Those opposed, no.

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

Are there further amendments to the amendment in the nature of a substitute? The question occurs on the amendment to the amendment in the nature of a substitute.

Those in favor will respond by saying aye.

Those opposed, no.

In the opinion of the chair, the ayes have it, and the amendment is agreed to.

A reporting quorum being present, the question is on the motion to report the bill H.R. 3610, as amended, favorably to the House.

Those in favor will say aye.

Those opposed, no.

The ayes have it, and the bill, as amended, is ordered reported favorably. The members will have 2 days to submit views.

Without objection, the bill will be reported as a single amendment in the nature of a substitute, incorporating all adopted amendments, and staff is authorized to make technical and conforming changes.

Pursuant to notice, I now call up H.R. 4225 for purposes of markup and move that the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Deterding. H.R. 4225, to amend Title 18 of the United States Code, to provide a penalty for knowingly --

Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any point.

[The bill follows:]

\*\*\*\*\* INSERT 2-3 \*\*\*\*\*

Chairman Goodlatte. And I will begin by recognizing myself for an opening statement.

The United States is in the midst of a criminal epidemic, and our children are the target. We have been referring all morning to this epidemic as domestic minor sex trafficking, but let's call it what it really is, the forcible rape of children for profit, and the Internet is spurring this epidemic. Criminals can now use Web sites to advertise, schedule, and purchase sexual encounters with children. According to the Polaris Project, U.S. law enforcement has identified online advertisements as the primary platform for buying and selling sex with children. And an FBI study found more than 2,800 children were advertised on just one online advertisement service.

When criminals exploit children for their own financial gain and personal pleasure, they rob them of their innocence and destroy their childhood. It goes without saying that no child should be subjected to this horrifying and inhumane violence. Sadly, it happens across the country every single day. The investigation and prosecution of sex trafficking has often been carried out by State and local law enforcement. Congress has focused its attention on the domestic sex trafficking of children, which includes commercial sex acts involving children under the age of 18. Under the Victims of Trafficking and Violence Protection Act of 2000, or TVPA, the primary law that addresses trafficking, sex trafficking of children in interstate commerce, is a Federal crime. H.R. 4225, the Stop Advertising Victims of Exploitation Act of 2014, or SAVE Act, simply clarifies Congress'

intent in enacting the TVPA that knowingly trafficking children for sex or knowingly profiting from the forcible rape of children for profit is against the law regardless of the medium. Pimps and traffickers who sell our children for sex should not get a free pass to destroy these innocent lives simply because they advertise their crimes on the Internet. The Web sites that knowingly profit from these despicable acts should be held accountable.

Some have urged the committee not to pursue this legislation because prohibiting the advertising of sex trafficking will have a chilling effect on Internet advertising, but this legislation does not prohibit Internet advertising. It does not prohibit Internet advertising of prostitution. It does not even prohibit all Internet advertising that offers sex with children or sex with adults through force, fraud, or coercion. It prohibits only those advertisements that the government can prove actually offer sex with a child or sex with an adult who is involved due to force, fraud, or coercion.

Many trafficking advertisements do not explicitly offer sex with children but rather disguise their illegal services using benign or vague terms. But some advertisements are explicit, and it is these advertisements that the government will hopefully more successfully target once this legislation is enacted. Advertisements that offer illegal products or services are not protected speech under the First Amendment, and there is well established precedent for Congress to criminalize the advertising of illegal goods or services, including advertising of child pornography, weapons of mass destruction, illegal

narcotics and prescription controlled substances, and animal fighting ventures.

In September 2010, less than 4 years ago, the House passed a bill under suspension of the rules that explicitly made it a crime to advertise animal crush videos. Certainly advertisements that offer sex with children are as worthy if not more worthy of congressional attention as those seeking to subject animals to harm. The SAVE Act also applies only to those who knowingly advertise or knowingly profit from advertising that offers children for sex or sex with an adult who is under force, fraud, or coercion. Thus, a person does not have the requisite criminal intent to engage in the advertising of illegal sex trafficking would not be liable.

This legislation modernizes Federal criminal law to keep pace with the evolving trend of exploiting the Internet for criminal gain. It sends a clear message to sex traffickers and those who enable them. Your destruction of innocent lives will not be tolerated. I commend our colleague from Missouri, Congresswoman Wagner, for sponsoring this legislation, and I urge my colleagues to join me in reporting it favorably to the House.

I am now pleased to recognize our ranking member, the gentleman from Michigan, Mr. Conyers, for his opening statement.

Mr. Conyers. Thank you, Mr. Chairman.

As one who has opposed mandatory minimums in the statutes, I have to tell you as others will, that mandatory minimum is in the statute, even though it is not in the proposal that we are considering today.

I think it is important we take action to deal with the means used by traffickers to obtain customers for their illegal acts.

The growth of the Internet-based services in recent years has allowed individuals and businesses unprecedented opportunities to communicate with each other and conduct business. Online businesses are now a critical engine of economic growth in our country. Unfortunately, Internet services may also be used by criminals attempting to victimize others and seeking to create a marketplace for their illegal conduct, including illegal sex trafficking.

Accordingly, we must consider whether the proposal before us is the appropriate means to disrupt the market for these illegal acts. The bill in front of us now attempts to prohibit the advertising of illegal acts of sex trafficking, specifically those which involve minors or which involve adults who are coerced or forced into participating in these acts. The level of depravity involved in victimizing people in this way is very serious, and the current sex trafficking statute, which this bill would amend, is a broad and aggressive effort to hold accountable the perpetrators of sex trafficking.

Now, whatever one's views may be on the wisdom of mandatory minimum sentences, as you know, I oppose them. It is clear that their use in this statute is intended to focus on serious acts of sex trafficking. That is why I caution and warn the committee that in considering this bill and the substitute amendment today, we must ensure that we extend the harsh penalties under the law only to those

whose conduct rises to the level of intentionally advancing these serious crimes.

Finally, I want to point out that as a practical matter, including advertising in the current sex trafficking statute may have unintended consequences, particularly in the online context and expose a wide array of Internet companies to liability and resulting serious penalties. Those who provide Internet service or host Web pages that allow individuals to post advertisements or otherwise communicate with readers certainly know that sex traffickers use the Internet to advertise and should be appropriately cautious. However, the question is where Congress should draw the line between awareness that such activity takes place and the level of knowledge and intent that is appropriate for criminal liability.

Through our discussion of the bill and the substitute amendment, I look forward to examining whether the bill may be adjusted to achieve this balance and note that the application of mandatory minimum sentences to the new offense constitutes a flaw that must be addressed.

I thank you, Mr. Chairman, and return the balance of my time.

Chairman Goodlatte. The chair thanks the gentleman.

For what purposes does the gentleman from Texas seek recognition?

Mr. Farenthold. To strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Farenthold. Thank you very much, Mr. Chairman. The ranking member brings up an important point. First off, a Web site or anybody that profits for advertising human slavery or sex with children or any



of this trafficking stuff is reprehensible, and the intent of this bill to stop that is commendable.

But Mr. Conyers brings up a real concern that we need to be careful we don't cast too broad of a net. A couple of the concerns that come to mind are, imagine I was put up a Web site with model airplanes, where people could post questions about model airplanes, and I go out and sell advertising to the model airplane supply stores or whomever in the city. I am profiting from advertising. Unbeknownst to me, one night in the middle of the night, somebody comes and posts an ad for human trafficking. And I see it the next morning, and as I am going to delete it, a check comes in from one of my advertisers. Have I profited from that?

I think Google knows that it is going to be impossible for them to stop their automated indexing from catching some of these ads in sites, yet they earn their profits from advertising. Clearly, in neither of those cases did somebody running a forum for model airplanes or a big search engine like Google intend to profit from human trafficking, but a creative attorney I fear could stretch this statute to rope that in. I want to make sure at the very least the record is clear.

Mr. Sensenbrenner. Mr. Chairman, will the gentleman yield.

Mr. Farenthold. I will.

Mr. Sensenbrenner. The substitute amendment that I will propose in a minute or two solves this objection by putting a knowingly standard in, so if you don't know somebody put something up on your Web site,

then you are not guilty of a crime.

Mr. Farenthold. Reclaiming my time, and again, I think that it --

Mr. Scott. Will the gentleman yield?

Mr. Farenthold. I will.

Mr. Scott. If the gentleman from Wisconsin would respond to whether or not that would delete the reckless disregard standard?

Mr. Sensenbrenner. If the gentleman from Texas will yield to me to answer.

Mr. Farenthold. I certainly will.

Mr. Sensenbrenner. The gentleman from Virginia's question, the answer is, no, it does not.

Mr. Farenthold. And, again, regardless of what eventually gets through this committee, I do want to make sure that it is in the record that we are out after the people who directly profit from this, and we just need to be careful that we don't cast too broad of a net that would require a Web site operator to moderate every single post to his or her Web site or suck in search engines.

Mr. Nadler. Would the gentleman yield?

Mr. Farenthold. I will yield to the gentleman from New York.

Mr. Nadler. I want to commend the gentleman for raising this very legitimate concern, and I want to say that if the gentleman will look, there will be in addition to the substitute amendment from the gentleman from Wisconsin, there will be an amendment by Ms. Lofgren and me that will go further in dealing with this problem, and I hope the gentleman

will look at it carefully.

Mr. Farenthold. And I will certainly look forward to hearing the amendment. We have got to strike the balance between punishing the folks who profit from these deplorable acts while not swooping in innocent bystanders.

Mr. Nadler. Will the gentleman yield again?

Mr. Farenthold. I will.

Mr. Nadler. Often we have a question of striking a balance, are we being too harsh or not harsh enough. Here it is not a question of striking a balance. Here it is a question of proper targeting. Getting the bad guys and not getting people who, through no fault of their own --

Mr. Farenthold. Reclaiming my time. You put it much better than me. I yield to your additional years of experience in this body.

Mr. Nadler. Thank you.

Mr. Farenthold. Thank you very much for clarifying.

And yield back the remainder of my time.

Chairman Goodlatte. For what purpose does the gentlewoman from Washington seek recognition?

Ms. DelBene. I move to strike the last word.

Chairman Goodlatte. Gentlewoman is recognized for 5 minutes.

Ms. DelBene. Thank you, Mr. Chair.

I want to thank the chairman for working on this important issue, and we must ensure that Congress is doing everything it possibly can to fight to put an end to these egregious crimes. And I am also pleased

to be a cosponsor of our earlier legislation, the Justice for Victims of Trafficking Act and the Stop Exploitation Through Trafficking Act. By passing these bills, we can protect child victims of sexual exploitation by ensuring they are not treated as criminals and will be able to do more to provide restorative care for victims to help ensure that they can rebuild their lives.

And I absolutely agree that what we are seeing happen with companies like Backpage is outrageous, and we need to see companies take a more proactive approach to identifying illegal activities being promoted on their sites. The human costs here are truly unspeakable when this activity is allowed to happen online. And we can all agree with the intent and goals of this legislation.

But I want to caution that I am not sure this bill can survive constitutional scrutiny, and I would like to work with my colleagues on the committee to improve this legislation.

In Washington State, a district court held invalid a State law passed by our legislature in 2012, that would have created new criminal penalties for sites like Backpage responsible for posting these ads. The court not only held that the State statute was precluded by the Federal Communications Decency Act, he found it to be in violation of the First Amendment because it would have severely inhibited and imposed strict criminal liability on speech. I believe that this bill may also have similar challenges. We can't declare victory until we stop what is happening on Web sites like Backpage, and the committee's work on legislation in this area won't be effective if a bill gets passed

that can never be enforced because it is held invalid by our courts.

I agree that Congress must do everything possible to craft strong legislation to address the challenges created by Internet-facilitated trafficking, but I think we need to make sure that any bill stands on solid constitutional footing, and I would like to see this committee continue to work in bipartisan way to improve the bill if it is going to move forward.

Thank you. I yield back

Chairman Goodlatte. The chair thanks the gentlewoman.

For what purpose does the gentleman from Pennsylvania seek recognition?

Mr. Marino. Move to strike the last word.

Chairman Goodlatte. Gentleman is recognized for 5 minutes.

Mr. Marino. First of all, we are looking at this from a civil as well as a criminal aspect, and there is not much of a difference when we are talking about "knowingly." And just briefly, I am going to read some meanings on "knowingly," particularly coming from a criminal statute. The word "knowingly" in law means consciously or with knowledge or complete understanding of the facts or circumstances. An individual is deemed to have acted knowingly in regard to a material element of an offense when -- and I am jumping down to the second one, and you will understand why -- if the element relates to a result of a person's conduct, he or she is conscious of the fact that it is substantially certain that the conduct will precipitate such a result, and an example is any person who knowingly and willfully deposits for

conveyance in the mail any letter, writing, or other document containing threats to inflict serious bodily injury, or et cetera, on to kill an individual, and I am bringing in the Internet to that, too, because that is a way of conveying that information, shall be found guilty of a felony and be punished as a Class 1 felony. When the word "knowingly" is used, it means that the defendant realized what he was doing and was aware of the nature of his conduct and did not act through ignorance, mistake or accident. Knowledge may be proved by the defendant's conduct and by all the facts and circumstances surrounded by the case, United States v. Kisting, 159 Fed 2005, and also the Supreme Court held that as long as a law does not impose liability without fault, it may constitutionally hold a publisher of commercial speech liable.

Somebody like Google is going to realize if there is an advertisement on their Web site and it is brought to their attention immediately, if it gets there, I am sure that that is going to be immediately removed with Chairman Sensenbrenner's definition of knowledge in there, I think that clearly, clearly defines what one has to do to establish knowledge.

Mr. Nadler. Would the gentleman yield?

Mr. Marino. Certainly.

Mr. Nadler. The problem -- I think we all agree on the goal here. The problem is that you have to very carefully -- and I haven't carefully studied Mr. Sensenbrenner's substitute yet -- but you have to carefully define what "knowingly" is knowing. Because if you are

saying that they knowingly placed advertising, yes, they knowingly allowed advertising. Did they know the content of the advertising? Different question. So you have to define what the knowing refers to, number one.

Number two, in the Internet you may have 12 different actors participating in putting up one thing or one add on a site, and it may be there briefly, and any given actor may not know what is there. One person, one actor, said, Let's put this porn thing on it. You have to make sure you are catching that guy and not the other nine. It may be also that Google, if notified, takes it down. You have to make sure the liability doesn't attach -- the criminal liability or civil doesn't attach before they took it down.

And, finally, and finally, Google and others will have algorithms and all kinds of protections to try to keep this stuff off. But technologically, we are informed, it is impossible to be assured of 100 percent success. You have to make sure that your language doesn't give criminal liability for someone who tried his best not to do the wrong thing.

Mr. Marino. Reclaiming my time, I understand the gentleman's argument. But in what situation, particularly in criminal or even civil law, are we able to anticipate 100 percent which way a case is going to go? If there is opposition to this, if there is a legitimate claim that the individual did not knowingly, then there is a remedy for that as well. We should not refrain from passing legislation like this simply because someone says, Well, I didn't understand what

"knowingly" meant. That is something that is litigated in the process, and as I said, they are working with the high tech industry. I have seen dozens and dozens of ways in the manner in which they are able to eliminate something immediately once it gets on the Internet or, if not at that point, when it is brought to their attention.

This is like the Supreme Court ruled on pornography; I can't explain what it is, but I know it when I see it. Knowingly clearly under these circumstances is evident. If someone makes an argument that I didn't know, fine --

Mr. Nadler. Would the gentleman yield?

Chairman Goodlatte. The time of the gentleman has expired.

Without objection, the gentleman is recognized for 1 additional minute.

Mr. Marino. If you can jump in for 30 seconds, go ahead.

Mr. Nadler. I will simply say, the point I was simply making was that defining "knowingly" is not sufficient. You have to define "knowingly" properly, and you may have to go further. And the proper arena for the rest of the debate is on the amendments that are coming up; only when they come up, you may be happy with the amendment or not.

Mr. Marino. I think an experienced prosecutor will go through that step of finding, okay, let's determine what knowingly is under this content.

Ms. Lofgren.

Ms. Lofgren. I thank the gentleman for yielding.

Just putting this in kind of a real world context, the manager's



amendment would impose criminal liability where there is reckless disregard as to whether you are profiting from ads that are trafficking. Everybody knows, unfortunately, that the Internet is used for this purpose. That is what we are trying to stop that, all of us together. But with that knowledge, your Facebook -- and you know it is possible that some people who have Facebook pages are using it for bad purposes -- you are going to profit from that usage; you violated this statute. Even though, if you knew about it, specifically you could take action about it; you could throw that person off of Facebook. But you actually don't know as the company every single thing that is being posted on Facebook every single date.

And so going to Mr. Nadler's earlier point and the gentleman from Texas, we want to go after the people who are doing wrong things. I think there is unanimous agreement on this committee about that. The question is how to target the bad doers because there is this potential adverse impact. If you have a willful disregard standard, and you are taking steps to try and get that stuff off your site, the more you do, the greater your liability, so you may be --

Chairman Goodlatte. There is going to be a lot of time for this debate. The time of the gentleman has expired, and I think to help move us along, I think it would be appropriate to recognize the gentleman from Wisconsin to offer his substitute amendment.

Before I do, I just want to take the opportunity to remind everybody the subject that we are dealing with here and to point out that currently in Federal law there are more than 600 Federal statutes

that prohibit various types of advertising, and that includes all advertising in any form on any medium. In just the past year, this committee amended Section 704 of Title 18 with regard to military medals or decorations, and that section includes reference to advertising for sale, which of course means profitability, for profit, and which did not engender this debate. So we need to be careful on how we proceed here, but we need to keep in mind that the subject of this is far, far, far more serious in terms of trafficking of children than virtually all of the other statutes that are already banning advertising.

The gentleman from Wisconsin is recognized.

Mr. Sensenbrenner. Mr. Chairman, I have an amendment in the nature of a substitute at the desk.

Chairman Goodlatte. The clerk will report the amendment, and as she does, that the chair will note that we are going to break for lunch at noon.

Ms. Deterding. Amendment in the nature of the substitute to H.R. 4225, offered by Mr. Sensenbrenner. Strike --

Chairman Goodlatte. Without objection the amendment in the nature of a substitute is considered as read.

[The amendment of Mr. Sensenbrenner follows:]

\*\*\*\*\* INSERT 2-4 \*\*\*\*\*

Chairman Goodlatte. And the gentleman is recognized to explain his amendment.

Mr. Sensenbrenner. Thank you, Mr. Chairman.

The substitute replaces the underlying bill, which created an entirely new section of the criminal code. With a simple, straightforward clarification to the existing sex trafficking criminal offense that adds one word, just one word, to clarify that just like it is against the law to prostitute a child on the street, it is likewise against the law to prostitute a child through an advertisement.

The substitute amendment is based on language proffered to this committee by a coalition of Internet companies and advocacy groups, and I want to thank them for working with us on this legislation as it moved toward markup today. Instead of placing a prohibition on the advertising of sex trafficking in the penalty provision of 18 U.S. Code No. 1591, as was suggested by the coalition, the substitute moves the prohibition on advertising to the offense part of the statute. This simple change makes it clear that Congress intends to prohibit the advertising of child sex trafficking to the same extent as the other conduct prohibited by the statute. In addition, the placement of the language in Subsection A of Section 1591 imposes a higher burden of proof on the government, proof beyond a reasonable doubt and the mere preponderance of the evidence that would apply if the committee were to amend the penalty subsection. The change more clearly identifies advertising as an element of the offense, affording greater notice to would-be offenders and thus maintaining an important principle set

forth by this committee's Overcriminalization Task Force, which I chair.

As Chairman Goodlatte mentioned in his opening statement, Congress has criminalized advertising multiple times in recent years in bills that have come through this committee. In addition to the animal crush video bill in 2010, in 2008, this committee discharged the Ryan Haight Act, which provides it shall be unlawful for any person to knowingly or intentionally use the Internet or cause the Internet to be used to advertise the sale of a controlled substance.

Title 18 of the Federal Criminal Code also prohibits advertisements promoting counterfeit currency, obscene or treasonous materials, the unlawful sale of military medals, among other things. It is wholly appropriate for Congress to prohibit the advertising of illegal goods and services, having done so for illegal advertisements involving animal cruelty, prescription drugs and counterfeit items. Today we take the commonsense step of prohibiting advertisements that offer sex with children and coerced adults.

Like with many other crimes, minor sex trafficking in the United States is being fueled by the Internet. U.S. law enforcement has identified online ads as the primary platform for buying and selling sex with minors, and these advertisements have become a big business. It is estimated that revenue from online advertisements of prostitution generally, not just involving minors, surpassed \$45 million last year alone.

This amendment makes it clear that we will neither stand for

traffickers who advertise our children for sale nor for the companies that knowingly profit from this terrible crime, and I urge my colleagues to support this amendment.

Now, when we get to the whole issue of knowingly, simply by adding this to the penalty section, I think we pick up a whole case law record of what knowingly has been defined when other crimes are prosecuted under the same section of the statute. So it means we are not going to have a different standard or different strokes for different folks. This I think is very, very important, and I think it should settle many of the objections of my friends over on the other side of the aisle, although I am sure we will be talking about that extensively after lunch.

I yield back the balance of my time.

Chairman Goodlatte. The chair thanks the gentleman.

And as the clock ticks right to noon, the committee will stand in recess for 1 hour and reconvene at 1 p.m.

[Recess.]

RPTS COCHRAN

DCMN SECKMAN

Chairman Goodlatte. The committee will reconvene.

When the committee recessed, we were considering amendments to the amendment in the nature of a substitute to H.R. 4225 and the gentleman from Wisconsin had just given his opening remarks regarding his substitute amendment.

Who seeks recognition?

Mr. Conyers. Wasn't I supposed to follow you?

Chairman Goodlatte. Yes. So the gentleman from Michigan, Mr. Conyers, is recognized for 5 minutes.

Mr. Conyers. Thank you, Chairman Goodlatte.

Members of the committee, the concerns I raised in my opening statement apply equally to the substitute amendment before us, and as has been made clear, the primary intent of the amendment is to address advertising using the Internet.

Of course, when someone engaged in sex trafficking places an ad for illegal conduct, they should be held criminally liable, but I am not convinced that the practical impact of this amendment is to draw the line on criminal culpability in the correct place.

In the Internet context, a wide array of individuals and entities contribute to the provision of providing a single communication, including advertisements to readers online. Those entities who act without the intention of advancing a criminal enterprise should not

be exposed to criminal liability. So that is why I continue to caution the Judiciary Committee that in considering this substitute amendment we must ensure that we extend the harsh penalties under the law only to those whose conduct rises to the level of intentionally advancing these serious crimes. Now, the question is how do we do that.

My level of concern is even greater because the mandatory minimum penalties in the current statute would also apply to the new conduct, which this amendment would add to existing law. So I look forward to amendments which will be offered by me and my colleagues to address these issues.

I yield back the balance of my time and thank the chairman.

Chairman Goodlatte. The chair thanks the gentleman.

For what purposes does the gentleman from Idaho speak recognition?

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

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to the amendment in the nature of a substitute to H.R. 4225 offered by Mr. Labrador and Mr. Farenthold.

Page 1 after line 9 --

Chairman Goodlatte. Without objection, the amendment will be considered as read.

[The amendment of Messrs. Labrador and Farenthold follows:]

\*\*\*\*\* INSERT 3-1 \*\*\*\*\*

Chairman Goodlatte. And the gentleman is recognized for 5 minutes on his amendment.

Mr. Labrador. Thank you, Mr. Chairman.

The Supreme Court has made clear in cases, including *Flores-Figueroa v. United States* in 2009, that when a Federal statute contains an explicit mens rea provision, that standard applies to every element of the offense. As a general matter, Congress articulates a mens rea standard just once in criminal statutes.

The offense in question, 18 USC 1591, contains two mens rea requirements. In order to prove a case under this statute, the government must prove the defendant knowingly trafficked a person through one of the articulated means or that a defendant knowingly benefits from the knowing participation in a trafficking venture. However, under 1591 as it currently stands, the government must then show that a defendant either knew or recklessly disregarded the fact that the victim was a minor or a coerced adult.

This amendment would amend 1591 to provide that in cases involving a defendant that benefits from participation in a trafficking venture involving advertising, the government must prove that the defendant knew the victim involved was under the age of 18 or a victim of force, fraud or coercion. Reckless disregard is not sufficient and will not be sufficient to prove this crime. This satisfies the requirements of the First Amendment.

The knowing standard provides a significant burden of proof on the government. A number of circuits defined "knowing" to mean the



defendant committed a criminal act voluntarily and intentionally and not because of mistake or accident. I hope that we can all agree that any person who voluntarily and intentionally benefits from the advertising of a person who they know is under the age of 18 should be held accountable.

Mr. Sensenbrenner. Will the gentleman yield?

Mr. Labrador. Yes.

Mr. Sensenbrenner. Let me say I think that this amendment improves the bill and hopefully makes the bill less controversial. As they say, the devil is in the details. I think the gentlemen from Idaho and from Texas have cleaned up the details, and hopefully in the eyes of some over on the other side of the aisle, the devil will be have been banished. Thank you.

Mr. Farenthold. Will the gentleman yield?

Mr. Labrador. I yield.

Mr. Farenthold. Thank you very much.

Along with what Mr. Labrador pointed out, what we are trying to do is target those involved in profiting from human trafficking without the collateral damage of taking down or holding to criminal liability the operator of a Web site who just happens to run ads or from a search engine that may accidentally suck something up. This knowing standard I think provides an extra level of protection for those innocent Web site operators, for instance, without weakening the sanctions against someone involved in this deplorable activity.

Mr. Labrador. Thank you, Mr. Chairman.

I yield back.

Ms. Lofgren. Will the gentleman yield?

Mr. Labrador. I will.

Ms. Lofgren. First, I want to thank the gentleman for offering his amendment, which I intend to support. I do think, I hope we can have a discussion that will not delay passage of this bill but that we might be able to give guidance as to -- there are rare circumstances where you might know but not have the capacity to actually remove the ad, and we obviously want to make sure that people that have responsibility exercise that responsibility, but where technologically you can't, that would be a miscarriage of justice. And I think the gentleman concurs with that.

I don't think we ought to try and further refine this amendment. I am not suggesting that. But I wanted to put that in the record because I think all level-headed people would agree on that basic concept. I commend the gentleman for his amendment and look forward to supporting it.

I yield back.

Chairman Goodlatte. The time of the gentleman has expired.

For what purpose does the gentleman from New York seek recognition?

Mr. Nadler. To strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Nadler. Thank you. I will be very brief.

I commend Mr. Labrador and Mr. Farenthold for their amendment.

I think it goes a long way toward improving the problem. It is a very good bill, but there is one problem here, and we have discussed it, and I think the amendment goes a long way. I don't think it is quite sufficient. I will support the amendment. We may need to do some additional work on this because of the problem Ms. Lofgren mentioned. But it does go a long way toward solving our problem, and I commend them and I urge support for this amendment.

Chairman Goodlatte. For what purpose does the gentleman from Texas seek recognition?

Mr. Gohmert. To address this issue for 5 minutes.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Gohmert. Thank you, Mr. Chairman.

I do thank my friends Mr. Labrador and Mr. Farenthold. I have been expressing a great deal of concern behind the scenes over the mens rea or lack of mens rea requirement that just asserted an element of reckless disregard.

Many on both sides of the aisle have been extremely concerned about overcriminalization. We have had people who never intended to violate the law, didn't know they were violating the law, end up spending time in prison. I was considered a pretty tough conservative judge, but people needed to be guilty of what they were charged and there needed to be intent.

And without this amendment, I had extreme concerns about the reckless disregard being adequate to send people to prison as advertisers when they may have had no information at all that should

have put them on notice, and yet the Federal Government could have come in and said, Well, we still think you were reckless, and they get arrested, they go to jail.

Some know that I am not the biggest fan of some of the Internet companies that spend their incredible wealth on the Democratic Party, but regardless of that, I still have concern, no matter what the party is, what the party affiliation is. People should not go to prison unless they have committed a crime, and it is important that people know that they are committing a crime before they are charged with something to send them to prison, unless it is extreme criminal negligence, and reckless disregard I didn't think got there.

So I want to applaud my friends. And my concerns that may have kept me from voting for the bill, if this amendment is adopted, it will allow me to vote for it. Thank you.

Chairman Goodlatte. What purpose does the gentleman from Virginia seek recognition?

Mr. Scott. To strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Scott. Thank you, Mr. Chairman.

The underlying substitute amendment would amend the current Federal sex trafficking statute to include advertising as one of the prohibited means of facilitating this type of exploitive criminal conduct.

Of course, sex traffickers need to seek customers for their illegal acts, and they may use means of mass communications to do this,

either various print media or often these days online. We know that sex traffickers have used generalized marketplace Web pages to advertise as well as sites and pages specializing in advertising the availability of commercial sex.

While the Internet has enriched our lives greatly, we also know that some have used the Internet for financial enrichment through criminal schemes, such as selling minors for sex. Sex traffickers place ads and they certainly should be liable for their criminal acts, but the question in this underlying amendment is the liability for those who benefit from trafficking by hosting ads posted by others, and it is less certain, of course, whether under the specific situations they actually knew what was actually going on.

Under the bill, one may only be convicted if their participation in advertising is performed with the specific knowledge that the sex act advertised involved a minor or the adult who is forced or coerced into sex. This amendment removes the language which would have added "or in reckless disregard to the fact." Reckless disregard, unfortunately, is defined differently in different circuits, and we would have to get into a debate as to actually what that would mean under this circumstance. But this amendment removes that ambiguity.

Mr. Chairman, for that reason, I support the amendment. I have other concerns about mandatory minimums which will come up in subsequent amendments.

So I thank the gentlemen for their amendment and hope it will be adopted.

Chairman Goodlatte. The chair thanks the gentleman and recognizes himself in support of Chairman Sensenbrenner's underlying substitute amendment and in support of the amendment offered by Mr. Labrador and Mr. Farenthold.

Mr. Sensenbrenner makes a targeted clarifying change to the Federal sex trafficking statute to make clear that it is against the law to knowingly traffic children for sex or knowingly profit from the forcible rape of children for profit regardless of the medium through which the crime was conducted. Unlike the underlying legislation, which created a new sex of the criminal code, this amendment simply adds one word, "advertisers," to the existing statute, as Congress has done many times before.

To reiterate my comments, this legislation does not involve protected speech. The First Amendment does not shield advertisements that sell sex with children or adult trafficking victims for a profit, and this legislation will not implicate innocent Internet companies that simply host or distribute illegal third party advertisements. In order to run afoul of this provision, a trafficker or a company that financially benefits from an advertisement must know of the ad, the fact that the victim being bought and sold is a minor or adult who is involved due to force, fraud or coercion. This is a high evidentiary burden.

I thank the gentleman from Wisconsin for his thoughtful amendment, which should help the government to fight the growth of this terrible crime on the Internet without implicating protected speech

or innocent actors, and I further commend the gentlemen from Idaho and Texas for further refining this by crafting a targeted compromise amendment that helps to clarify some of the issues regarding mens rea we have discussed today.

This amendment will ensure that the Justice Department can stop the truly bad actors who knowingly profit from the rape of children without unwittingly sweeping in innocent parties. I support this amendment as well and urge my colleagues to do the same.

For what purpose does the gentleman from Georgia seek recognition?

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

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Johnson. I would like to inquire as to whether or not knowingly or intentionally is the ideal of this legislation to get at an advertiser that or who intentionally runs an ad and profits thereby, knowing that it is involving minors.

Mr. Farenthold. Will the gentleman yield?

Mr. Johnson. Yes.

Mr. Farenthold. So this would cover both intentionally and knowingly. If you do something intentionally, you have got to know. So knowingly is actually a lower standard than intentionally in some jurisdictions.

Mr. Johnson. Well, suppose there is a situation where someone knows that something is happening. One of the -- okay, just in terms of Internet -- well, let's not use Internet advertising; let's use

print advertising because that would also be covered under this law, would it not? All forms of advertising. Correct?

Mr. Farenthold. Yes, sir.

Mr. Johnson. And let's say we have someone who is knowingly selling a newspaper that includes an ad that features content of minors being sold, advertising for that. You have someone who is selling a newspaper. You have someone who printed it. You have someone who actually put -- you have someone whole actually put together the language and the pictures and everything in the ad. Certainly that person would be responsible.

Mr. Farenthold. Anybody who knew would be.

Let's say you are a vendor on the street, you may not have read the newspaper to know what ad is in there. You may not have known that this is a sex trafficking. You would be innocent.

Mr. Johnson. Suppose it is just a one-page flyer that has a picture of a child subject to being sold, and somebody gets a handful of flyers and starts handing them out.

Mr. Farenthold. That probably wouldn't go under interstate or foreign commerce.

Mr. Johnson. Well, just passing it out in front of a hotel or even at an airport. What I am trying to get at is that, you know, I want us to be thinking about the kind of overbreadth-ness.

Mr. Farenthold. Right. And that is what this amendment is trying to take care of, is so we don't swoop in on somebody who doesn't know what is going on.



Mr. Johnson. But aren't we really more at the intent of the purveyor of the advertisement than we would be at someone who simply has knowledge of it, someone who printed it and someone who ran the presses and printed it, and then we come and lock that person up for aiding and abetting?

Chairman Goodlatte. Would the gentleman yield?

Mr. Johnson. Yes, I would.

Chairman Goodlatte. All other 600 Federal criminal statutes that involve advertising have a knowing standard.

Mr. Johnson. Intent has lost its way as a culpability standard, you are telling me, in the laws of advertising?

Mr. Labrador. Would the gentleman yield for a second?

Mr. Johnson. Yes, I would.

Mr. Labrador. I appreciate the question. That is the intent that we are requiring, is to knowingly do it.

Mr. Johnson. It is not to knowingly produce it, but it is to actually have your hands on it in any way. If you know that you have your hands on it --

Mr. Labrador. That is precisely why we suggested the amendment, because it was going to take care of the intent requirement, the mens rea requirement.

Mr. Johnson. Intent. The definition of intent would be to knowingly do something to achieve a certain endpoint. That would be intent. Knowledge would be different in that you just know or someone says that you know --

Chairman Goodlatte. The time of the gentleman has expired. The chair thanks the gentleman.

For what purpose does the gentlewoman from California seek recognition?

Ms. Lofgren. To strike the last word.

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Lofgren. Just listening to the following exchange makes me more comfortable with this amendment because in the gentleman from Georgia's hypothetical, if you had a flyer that you were passing out in front of the international airport and on the front page of the flyer was an advertisement for sex trafficking, I think you ought to have -- and you knew it -- you should have some responsibility about that. I mean, that is the whole point, to try and shut this down.

So I think innocence, there are certain situations where you don't know. We don't want to prosecute people who don't know, who don't have any responsibility, who have no ability to act. We do want to go after this. And I think this is a terrible crime in our country and I think all of us, every single member of this committee is alarmed and concerned about what is going on in the world on trafficking of children and others. One of the great things is that as a committee, we are going to be able I think to come together and make that statement, which is important for the country.

I thank the chairman, and I yield back.

Chairman Goodlatte. The chair thanks the gentlewoman.

The question occurs on the amendment offered by the gentleman from Idaho.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the ayes have it, and the amendment is agreed to.

Are there further amendments to the amendment in the nature of a substitute?

For what purpose does the gentleman from Virginia seek recognition?

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

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to the amendment in the nature of a substitute to H.R. 4225, offered by Mr. Scott. Page 1 --

Chairman Goodlatte. Without objection, the amendment is considered as read.

[The amendment of Mr. Scott follows:]

\*\*\*\*\* INSERT 3-2 \*\*\*\*\*

Chairman Goodlatte. And the gentleman is recognized for 5 minutes on his amendment.

Mr. Scott. Thank you, Mr. Chairman.

Mr. Chairman, unfortunately, the statute we are considering today includes -- the statute we are considering amending includes mandatory minimum sentences as the penalties for the offenses it prohibits. To be sure, the acts prohibited by the statute would often appropriately require long sentences. However, this addition adds a new provision that will be subject to mandatory minimums.

Mr. Chairman, mandatory minimum sentences is the wrong way to determine punishment under this or any other statute. While I continue to work in a bipartisan coalition to remove all mandatory minimum sentencing from the criminal code, that broader effort is for another day.

With respect to the substitute amendment we are considering, the advertising of sex trafficking would result in mandatory penalties of 10 or 15 years under the existing statute, depending on the age of the victim and other circumstances of the crime. In this case, it could be an employee of a Web site that failed to act quickly enough to remove offending material from the Web site. It could be a first offense after they had removed similar material several times but happened to miss this particular ad. Ten or 15 years may be appropriate in some cases, but certainly not in all cases.

Instead of applying these mandatory minimums to the prohibited act of advertising that would be added to the statute under the

substitute, my amendment would subject the offender to fines and/or a maximum of up to 15 years in prison in cases covered by this bill. The statutory maximum of this length, instead of a mandatory minimum, would allow the court to impose an appropriate and probably lengthy sentence as required by the specific facts.

The imposition of a sentence in Federal Court should be a matter for the judge working with the sentencing guidelines and to set the sentence that fits the unique circumstances, including both aggravating and mitigating circumstances in each case.

Given the complicated nature of Internet communications and all the various employees who may be technically covered by this substitute amendment, the role of the judge in evaluating each case will be particularly important. While long sentences may appropriate under the facts of a particular case, we in Congress cannot know those facts of each case in advance. Mandatory minimum penalties are already a major issue of concern for our criminal justice system, and we should not make matters worse by adding new ones.

Studies of mandatory minimums have concluded that they have failed to reduce crime; they waste the taxpayers' money; and they often require the imposition of sentences that simply violate common sense.

I am pleased that this committee's bipartisan Overcriminalization Task Force is working diligently to assess our criminal code and make recommendations for improvements. That effort includes focusing on overfederalization penalties, collateral consequences and reports from stakeholder agencies. At the end of the

period, our task force will make a report of its finding. While these issues are under review, we should not be extending new mandatory minimum sentences.

Now, my amendment will not disturb any of the existing mandatory minimums, but it will just make sure we are not adding new ones to the code. It is therefore consistent to the rules of holes, which says when you find yourself in a hole, the first thing to do is stop digging.

Therefore, Mr. Chairman, I urge the adoption of my amendment to the underlying substitute amendment.

Chairman Goodlatte. The chair thanks the gentleman.

For what purpose does the gentleman from Wisconsin seek recognition?

Mr. Sensenbrenner. Mr. Chairman, I appreciate the discussion of the rule of holes by the gentleman from Virginia. This has nothing to do with holes. This has to do with taking people who are involved in this trade off the street, and off the street and the Internet for a long time.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Sensenbrenner. I oppose the amendment.

The SAVE Act, as amended by my substitute, simply clarifies that existing Federal trafficking statute extends to traffickers who advertise minors and other victims for sex trafficking as well as those who knowingly benefit from such ads.

As we heard in the recent Crime Subcommittee hearing, sex trafficking, and particularly minor sex trafficking, is a terrible

crime that can ruin the lives of victims it sweeps up. And the incidence of this crime are not only growing, largely driven by the Internet, which makes it as easy to order up a young girl for the night as it is to order pizza.

In recognition of the seriousness of sex trafficking, Congress set appropriately serious sentences for traffickers and people who knowingly benefit from the trafficking. Section 1591 provides a sentence of 15 years to life if the victim was below the age of 14 or involved due to fraud, force or coercion, and a sentence 10 years to life if the victim was between 14 and 18 but force, fraud or coercion was not involved.

This amendment would exempt both traffickers, otherwise known as pimps, and those who knowingly benefit from trafficking from these sentences simply because they committed their crime through advertising. There is no rational basis for treating these criminals differently than a trafficker who sells children by forcing them to walk the streets or outside major sporting events. The trauma to the child is the same.

Furthermore, lowering sentences for trafficking cases that are effectuated through advertising runs directly opposite to the goal of this legislation, which makes it abundantly clear that Congress will not stand for advertisements that promote the rape of children and other victims of fraud, force or coercion.

The amendment also runs counter to the amendment made to Section 1591 by Mr. Poe's legislation, which the committee reported favorably

this morning. That amendment clarifies that solicitation of a trafficking victim by a john is prohibited and punished to the same extent as trafficking.

It is counterintuitive to subject the johns to existing penalties in Section 1591 but lessen the penalties for the pimps and traffickers simply because they market their innocent victims through advertising. Different strokes for different folks in the gentleman from Virginia's amendment.

I am not aware of any other Federal statute that affords lower penalties for advertising criminal activity, and I saw no reason to start that practice here, particularly because of the seriousness of the crime in question.

I strongly oppose this amendment and urge my colleagues to vote no.

Mr. Conway. Mr. Chairman.

Chairman Goodlatte. For what purpose does the gentleman from Michigan seek recognition?

Mr. Conyers. I would rise in support of the Scott amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Conyers. Thank you.

Members of the committee, the issue here that is being put forward takes into consideration that mandatory minimums fail to reduce crime, that they also are very expensive and they often require the imposition of sentences that are contrary to ordinary criminal justice norms. So I think that mandatory minimum sentences contribute significantly to



our national crisis of over-incarceration.

So judges applying the sentencing guidelines should set sentences that are appropriate for each case, depending on the unique facts of the case, and so what we are doing is taking away a very important judicial function by continuing to want to get at these exploiters and at the same time keep mandatory sentencing.

So I think that this amendment addresses a critical concern with the substitute and would in fact expand the scope of mandatory minimum sentences. So for us to be expanding mandatory sentences while we are waiting for the bipartisan Task Force on Overcriminalization I think is a mistake, and I think that we would do no harm to this measure if we took out the mandatory minimum sentences requirement and leave it to judicial discretion.

I strongly urge support of the Scott amendment, and I yield back my time.

Mr. Scott. With the gentleman yield?

Mr. Conyers. Of course.

Mr. Scott. Thank you.

Mr. Chairman, I would point out that we are not talking about the pimps and traffickers in this amendment. We are talking about employees at a Web site who may just be working at the Web site, and kind of everybody knows, okay, you know, how they make their money.

The ringleader obviously deserves the maximum penalty, but do all of the employees who benefited by getting the paycheck every week, do all of the employees deserve 10 to 15 years for working at an operation

that turned out to be what they kind of suspected maybe? But let the judge determine that all the employees, each and every one that got a paycheck, an entire operation, and it could have been at one point Craigslist, it could be Backpage, everybody who works for the corporation benefits from these ads, and they are all going to be subject to the 10 to 15 year mandatory minimum unless my amendment passes.

Chairman Goodlatte. Will the gentleman yield?

Mr. Conyers. I would yield.

Chairman Goodlatte. I thank the gentleman.

I don't believe the gentleman from Virginia is reading that correctly. I believe that the phrase advertising applies to Title XVIII USC, Section 1591, A through D, which refers to traffickers and the companies that profit from it and not the individual employees that he described.

Mr. Conyers. Well, I would like to say that the network of Internet communications to which this bill could apply are complex and the culpability of offenders varies from case to case, situation to situation. So I would be more comfortable in leaving the sentencing part to the judiciary, not to us determining who should get a mandatory minimum sentence. For that reason, I support the Scott amendment.

Mr. Scott. Would the gentleman yield?

Mr. Conyers. Of course.

Mr. Scott. I would ask the chairman what he was reading that sounded like it limited the liability under this underlying bill to

corporations?

Chairman Goodlatte. It also limited it to the actual traffickers.

Mr. Scott. Where is that?

Chairman Goodlatte. We are getting that for you right now.

Mr. Scott. Anybody who advertises --

Chairman Goodlatte. The employees would be liable if they knowingly participated in the venture.

Mr. Scott. That is right. And if the gentleman would yield, that is right. So if you work for Backpage, you know where you work.

Chairman Goodlatte. You know where you work, but you don't necessarily knowingly participate in the venture that involves sex trafficking. If you do, I think you should face the stiff penalty.

Mr. Scott. Well, mandatory minimums? 15 years?

Chairman Goodlatte. Sure.

Mr. Scott. All of them? Everybody who works there?

Mr. Conyers. Well, I think that explains our position better. If everybody automatically gets 15 years, even regardless of what their position was in the enterprise, I think that is a good reason for not having mandatory minimum sentences.

Mr. Nadler. Will the gentleman yield?

Chairman Goodlatte. I don't have the time. The time of the gentleman has expired.

Without objection, the gentleman is recognized for an additional minute.

Mr. Conyers. I yield to Mr. Nadler.

Mr. Nadler. I would ask the chairman, I would ask you to yield to the chairman, when you said "knowingly participates in the venture," the venture is the company, or the venture is the activity?

Chairman Goodlatte. The venture is the activity.

Mr. Nadler. So someone who works for the company doing their income taxes but knows what they do would be guilty or not?

Chairman Goodlatte. If they participate in the venture and know --

Mr. Nadler. They do the income taxes. They know what the business of the company is.

Chairman Goodlatte. If they know what the business of the company is, they would be liable. Look, if you are the bagman for a criminal enterprise --

Mr. Nadler. Let's assume you are not the bagman.

Chairman Goodlatte. You are the accountant who knows what the purpose of the business is. You are a pretty key person in that operation of pimping little girls on the Internet or on the street, however you are doing it.

Mr. Nadler. Accountant is a bad example then. It could be the janitor. The janitor. Fine. The guy comes in and sweeps the floors and knows what the business is.

Chairman Goodlatte. If he is not knowingly participating in the business.

Mr. Nadler. In the business.

Mr. Scott. The piano player.

Chairman Goodlatte. No, no, no. He has to know the enterprise of the business.

Mr. Nadler. He knows the enterprise of the business. He is hired to clean those floors in the evening. Should he get a 15-year minimum?

Chairman Goodlatte. The sweeping of the floor does not promote the activity the way the accountant does.

Mr. Nadler. That is why he shouldn't get a mandatory minimum.

Chairman Goodlatte. And he wouldn't get a mandatory minimum.

Mr. Scott. Under this, he does get a mandatory minimum.

Chairman Goodlatte. No, I don't believe so.

The time of the gentleman has expired.

Let's turn to the prosecutor. I am going to recognize the gentleman from Pennsylvania.

Mr. Marino. I move to strike for 5 minutes.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Marino. First of all, the interpretation, Mr. Chairman, of the legislation is correct. But I want to bring out a couple of points. I said the chairman's interpretation of the legislation is correct, but before I get into that, I want to bring out a couple of points.

Al Capone's tax man knew what he was doing, and that is why he went to prison. Okay. But he knew what crime was being committed. He knew that bootlegging and murder was being committed. So we can't eliminate the tax man or the investor.

Mr. Nadler. Would the gentleman yield on that point?

Mr. Marino. No, I will not yield, not at this point, because it is very clear in that organization, the tax man knew where the money was coming from.

Mr. Nadler. But he was convicted of tax fraud, not of murder.

Mr. Marino. But he still was convicted. He knew what was going on.

Mr. Sensenbrenner. Mr. Chairman, I demand regular order. The gentleman from Pennsylvania has the floor.

Chairman Goodlatte. The gentleman from Pennsylvania controls the time, and he can yield it.

Mr. Marino. We are acting as judges here.

Judges will make these determinations. Once an individual is arrested, that person can make the argument that I didn't know. I had no intent. I had no knowledge. That will be worked out.

But you know something, I feel pretty confident that the prosecutors, especially the Federal prosecutors, will wean that out, and they are not going to bring anybody, arrest anyone, in my opinion, at least in my experience, where they can't show that there is knowing and intelligent intent in this.

Based on your statement concerning nonmandatories, then I don't know if you were here, gentlemen, when I talked about the case that I tried when I was U.S. Attorney on sex trafficking. Sixteen people were involved in that, and they all went to prison for a very, very long time. Now, some of those people didn't lock these women up. Some

of those people didn't rape these people, but they profited by it, and they knew from where that money was coming.

So, under your premise, unless I am inferring it incorrectly, that in my case, in my case, those individuals would have only received 15 years under your premise of not having mandatory minimums.

Mr. Scott. Say that again?

Mr. Marino. Assuming the defendants in the case that I talked about earlier, okay, your amendment would limit their sentences to 15 years?

Mr. Scott. Right. Maximum.

Mr. Marino. I think that is preposterous. Men and women who kidnapped young people and tortured them and raped them and burned them and tied them up and threatened their families should not be put away for as long as possible? You have to meet these people. You need to sit in a courtroom and see what happens in a situation when a 12-year-old and a 14-year-old and a 16-year-old are sitting in the witness stand having to face these monsters and being strong about it and saying what happened.

I would hazard a guess that even though you may not agree with mandatory minimums, under these circumstances, you would change your mind, because if I had my way the key would be thrown away.

Mr. Scott. Will the gentleman yield?

Mr. Marino. Yes.

Mr. Scott. The gentleman is absolutely right. The amendment was supposed to maintain the maximum sentence without the mandatory

minimum so it was improperly drafted, and I would ask unanimous consent that the last line of the amendment read "imprisonment for not more than life imprisonment," because that is the maximum penalty under the bill, and that is what was intended.

Chairman Goodlatte. Without objection, the amendment will be amended as indicated.

Mr. Marino. You have reconfirmed my faith in you, sir, and I yield back.

Chairman Goodlatte. For what purpose does the gentlewoman from California seek recognition?

Ms. Lofgren. Mr. Chairman, I think that Mr. --

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Lofgren. I think Mr. Scott's amendment is a sound one because it really goes to the issue of judicial responsibility. And I do think that we have got this task force -- I am not a member of the task force. I do respect all the Members that are putting their time in.

But I think that there are gradations of responsibility, and to think that we are going to delegate that to the prosecutor instead of the judiciary I think is a flawed concept, frankly. And I am sure that the former U.S. attorneys here did not ever get involved in overreach, but I have personally seen it. And I was thinking of Mr. Sensenbrenner is a cosponsor of the bill that I introduced called Aaron's Law of a young man who was charged -- he did something that was basically an act of civil disobedience and was charged with so many felonies, he



could have spent 50 years in prison. So that overreach does occasionally happen. Who we trust to sort through the rule of law is the judge.

Mr. Marino. Will the gentlelady please yield?

Ms. Lofgren. I would happily yield.

Mr. Marino. I have had cases I tried where the mandatories were there. Based on individual assessment, I chose not to pursue them. Any prosecutor who does overreach for anything other than based on the law has a real problem and should be dealt with. But there are methods by which and they have been executed where that sentencing can be appealed to the judge, showing that there was overreaching, and I have seen it reversed in one or two cases.

Ms. Lofgren. If I can reclaim my time, before yielding to Mr. Scott, too often, when faced with that kind of extraordinary threatened power, pleas that may not be the most just result are entered into.

I would yield to Mr. Scott.

Mr. Scott. The gentlewoman is absolutely right.

The problem, though, is if these employees are liable and ought to be convicted, your choice is you can only convict them for a 15-year mandatory minimum or not prosecute them at all. Maybe if you prosecuted them they could get 6 months, a year, 5 years. But if you think 15 years is an overreach, you can't prosecute them at all. And that is why the mandatory minimum is so problematic.

If you can let the judge impose a sentence that makes common sense, you bring all 100 employees into court; they all knew what they were

doing, but all of them don't deserve 15 years. And that is where your overreach goes. If you charge them, they are all guilty. If you charge them, they get 15 years or they walk. And that doesn't make any sense.

I yield back.

Ms. Lofgren. Thank you.

And I would yield back, Mr. Chairman.

Chairman Goodlatte. The question occurs -- for what purpose does the gentlewoman from Texas seek recognition?

Ms. Jackson Lee. Mr. Chairman, let me thank you again for this discussion and --

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Jackson Lee. I ask unanimous consent to speak for 5 minutes. Thank you, Mr. Chairman.

Let me thank the proponents of the legislation, in this instance Ms. Wagner, who I had an opportunity to speak with, and support the underlying bill in its effort to weed out the scourge of heinous and untoward solicitation of individuals wanting to exploit children and others through sex trafficking.

Let me also acknowledge the efforts of Ms. Lofgren, Mr. Labrador, Mr. Farenthold and Mr. Nadler for the earlier amendment that I think responds to a very strong letter that was given by those involved in the Internet association. But I want to recite just a sentence out of their letter: "Our organization strongly supports increasing

penalties and enforcement against individuals engaged in the heinous crime of child trafficking." They wanted a qualification, which I understand we have come to an agreement on, but we can find even those who want a modification of this legislation that they understand the heinousness of child trafficking.

So I want to thank Mr. Scott as well for indicating the drafting issue and the clarification that was given with life imprisonment and to say that all of us as members of the Judiciary Committee I think can concede to the point that judicial discretion is a very important aspect of making sure laws are applied, that the Constitution is adhered to.

So I wanted to support the underlying bill that involves something I think is very important, particularly in this new climate, where we are working with sophisticated technology, so we have a provision that now protects under the Farenthold and Labrador amendment, and we have a clarifying amendment on the mandatory minimums.

I think that this bill as, it has now been modified with Mr. Scott's amendment, would be appropriate that we have defendants who, one, know the standard of which they will apply, and, two, know that we have zero tolerance for those who victimize a victim by force, fraud or coercion or in fact through technology and advertising. I think that is the most important statement that this legislation is attempting to do.

Finally, I would say that we have had a series of human trafficking bills, and, again, I think this is a very fine moment. For much of

what I have been able to see, we have had agreements in amendments; we have offered to work further with amendments to make certain bills better; and I think we have put a real stamp, a real mark for those who would victimize and use children and others in this heinous act of trafficking, human trafficking, that victimizes children, boys and girls and women and, in some instances, young males.

So I would hope that we would come to an agreement on the underlying amendment or the present amendment that is pending and as well that we would support enthusiastically H.R. 4255, the Stop Advertising Victims of Exploitation Act of 2014, which I have cosponsored.

With that, I yield back.

Mr. Sensenbrenner. [Presiding.] The question is on agreeing --

Mr. Johnson. Mr. Chairman, to your left.

Mr. Sensenbrenner. Has the gentleman from Georgia been recognized on his own time yet?

Mr. Johnson. No, I have not.

Mr. Sensenbrenner. For what purpose does the gentleman from Georgia seek recognition?

Mr. Johnson. To strike the last word.

Mr. Sensenbrenner. The gentleman is recognized for 5 minutes.

Mr. Johnson. Thank you, Mr. Chairman.

I along with you and others serve on the Overcriminalization Task Force during this session of Congress, which is a committee that the

chairman has set up in an effort to look at the overcriminalization that exists within our code, the duplication, the confusion, perhaps.

But I will go to my friend Mr. Marino from Pennsylvania, the former prosecutor who told us about a prosecution that he led. I believe it was probably under 18 USC 1591 that he was able to break up a child exploitation, sexual exploitation gang or enterprise, and he has testified that the people were put away for a long time. And in looking at that already existing section, 18 USC 1591, sex trafficking of children or by force, fraud or coercion, it seems to get at the very conduct that this legislation duplicates, H.R. 4225.

Is that an accurate statement, Mr. Marino?

Mr. Marino. You are talking about the bill that amends 1591 or the case that I am talking about, that I spoke about earlier?

Mr. Johnson. This bill. This is a standalone piece of legislation that gets at advertisers.

Mr. Marino. There were other charges within that crime ring also, several other charges.

Mr. Johnson. The point that I am making is that this bill seems to duplicate what is already in place in 18 USC 1591, but an argument may be made that advertisers are not brought in under 18 USC 1591, though some courts I am told have decided otherwise. So people have been prosecuted, advertisers, for the very conduct that is the subject of H.R. 4225, which is narrowly aimed at advertisers.

And I am just wondering whether or not we can amend 18 USC 1591 to make it more explicit. It calls for penalties, by the way, of 15

to life for using force or threats of force or when the victim has not obtained the age of 14. It is a mandatory 15 years or for life. It says not less than 15 years or for life. And then if the offense was not so affected by or if the victim is between 14 and 18, then it is not less than 10 years or for life.

So, you know, I just question what we are doing with this Overcriminalization Task Force and with this duplicate legislation aimed only at advertisers, when in fact we can stretch under the law that already exists with its serious and stringent punishment, we can stretch this to advertisers.

So I will yield back. That is my editorial comment.

Mr. Sensenbrenner. The time of the gentleman has expired.

The question is on agreeing to the amendment to the amendment in the nature of a substitute offered by Mr. Scott.

Those in favor will say aye.

Those opposed, no.

The noes appear to have it.

Mr. Scott. I request a record vote.

Mr. Sensenbrenner. A roll call is ordered. Those in favor of the Scott amendment to the substitute amendment will as your names are called answer aye.

Those opposed, no.

And the clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

Mr. Sensenbrenner. No.

Ms. Deterding. Mr. Sensenbrenner votes no.

Mr. Coble?

[No response.]

Ms. Deterding. Mr. Smith of Texas?

[No response.]

Ms. Deterding. Mr. Chabot?

[No response.]

Ms. Deterding. Mr. Bachus?

Mr. Bachus. No.

Ms. Deterding. Mr. Bachus votes no.

Mr. Issa?

Mr. Issa. No.

Ms. Deterding. Mr. Issa votes no.

Mr. Forbes?

[No response.]

Ms. Deterding. Mr. King?

Mr. King. No.

Ms. Deterding. Mr. King votes no.

Mr. Franks?

Mr. Franks. No.

Ms. Deterding. Mr. Franks votes no.

Mr. Gohmert?

[No response.]

Ms. Deterding. Mr. Jordan?

Mr. Jordan. No.

Ms. Deterding. Mr. Jordan votes no.

Mr. Poe?

Mr. Poe. No.

Ms. Deterding. Mr. Poe votes no.

Mr. Chaffetz?

Mr. Chaffetz. No.

Ms. Deterding. Mr. Chaffetz votes no.

Mr. Marino?

Mr. Marino. No.

Ms. Deterding. Mr. Marino votes no.

Mr. Gowdy?

Mr. Gowdy. No.

Ms. Deterding. Mr. Gowdy votes no.

Mr. Labrador?

Mr. Labrador. No.

Ms. Deterding. Mr. Labrador votes no.

Mr. Farenthold?

Mr. Farenthold. No.

Ms. Deterding. Mr. Farenthold votes no.

Mr. Holding?

Mr. Holding. No.

Ms. Deterding. Mr. Holding votes no.



Mr. Collins?

Mr. Collins. No.

Ms. Deterding. Mr. Collins votes no.

Ms. Deterding. Mr. DeSantis?

Mr. DeSantis. No.

Ms. Deterding. Mr. DeSantis votes no.

Mr. Smith of Missouri?

Mr. Smith of Missouri. No.

Ms. Deterding. Mr. Smith of Missouri votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Deterding. Mr. Conyers votes aye.

Mr. Nadler?

Mr. Nadler. Aye.

Ms. Deterding. Mr. Nadler votes aye.

Mr. Scott?

Mr. Scott. Aye.

Ms. Deterding. Mr. Scott votes aye.

Ms. Lofgren?

Mr. Lofgren. Aye.

Ms. Deterding. Ms. Lofgren votes aye.

Ms. Jackson Lee?

Ms. Jackson Lee. Aye.

Ms. Deterding. Ms. Jackson Lee votes aye.

Mr. Cohen?

Mr. Cohen. Aye.

Ms. Deterding. Mr. Cohen votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

Ms. Deterding. Mr. Johnson votes aye.

Mr. Pierluisi?

[No response.]

Ms. Deterding. Ms. Chu?

[No response.]

Ms. Deterding. Mr. Deutch?

[No response.]

Ms. Deterding. Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

[No response.]

Ms. Deterding. Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Ms. DelBene votes aye.

Mr. Garcia?

[No response.]

Ms. Deterding. Mr. Jeffries?

[No response.]

Ms. Deterding. Mr. Cicilline?

[No response.]

Chairman Goodlatte. [Presiding.] The gentleman from North Carolina?

Mr. Coble. No.

Ms. Deterding. Mr. Coble votes no.

Chairman Goodlatte. The gentleman from Virginia?

Mr. Forbes. No.

Ms. Deterding. Mr. Forbes votes no.

Chairman Goodlatte. The gentleman from Texas?

Mr. Gohmert. No.

Ms. Deterding. Mr. Gohmert votes no.

Chairman Goodlatte. Has every member voted who wishes to vote?

The clerk will report.

Ms. Deterding. Mr. Chairman, 8 members voted aye; 20 members voted no.

Chairman Goodlatte. And the amendment is not agreed to.

Are there further amendments to the amendment in the nature of a substitute?

There being none, the question is on the Sensenbrenner amendment in the nature of a substitute to H.R. 4225.

Those in favor will respond by saying aye.

Those opposed, no.

In the opinion of the chair, the ayes have it, and the amendment is agreed to.

RPTS BAKER

DCMN HOFSTAD

[3:02 p.m.]

Chairman Goodlatte. A reporting quorum being present, the question is on the motion to report the bill, H.R. 4225, as amended favorably to the House.

Those in favor will say aye.

Those opposed, no.

The chair is in doubt. We will have a recorded vote, and the clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. Aye.

Ms. Deterding. Mr. Goodlatte votes aye.

Mr. Sensenbrenner?

Mr. Sensenbrenner. Aye.

Ms. Deterding. Mr. Sensenbrenner votes aye.

Mr. Coble?

Mr. Coble. Aye.

Ms. Deterding. Mr. Coble votes aye.

Mr. Smith of Texas?

[No response.]

Ms. Deterding. Mr. Chabot?

[No response.]

Ms. Deterding. Mr. Bachus?

Mr. Bachus. Aye.

Ms. Deterding. Mr. Bachus votes aye.

Mr. Issa?

Mr. Issa. Aye.

Ms. Deterding. Mr. Issa votes aye.

Mr. Forbes?

Mr. Forbes. Aye.

Ms. Deterding. Mr. Forbes votes aye.

Mr. King?

Mr. King. Aye.

Ms. Deterding. Mr. King votes aye.

Mr. Franks?

Mr. Franks. Aye.

Ms. Deterding. Mr. Franks votes aye.

Mr. Gohmert?

Mr. Gohmert. Aye.

Ms. Deterding. Mr. Gohmert votes aye.

Mr. Jordan?

Mr. Jordan. Aye.

Ms. Deterding. Mr. Jordan votes aye.

Mr. Poe?

Mr. Poe. Aye.

Ms. Deterding. Mr. Poe votes aye.

Mr. Chaffetz?

Mr. Chaffetz. Aye.

Ms. Deterding. Mr. Chaffetz votes aye.

Mr. Marino?

Mr. Marino. Aye.

Ms. Deterding. Mr. Marino votes aye.

Mr. Gowdy?

Mr. Gowdy. Yes.

Ms. Deterding. Mr. Gowdy votes aye.

Mr. Labrador?

Mr. Labrador. Yes.

Ms. Deterding. Mr. Labrador votes aye.

Mr. Farenthold?

Mr. Farenthold. Aye.

Ms. Deterding. Mr. Farenthold votes aye.

Mr. Holding?

Mr. Holding. Aye.

Ms. Deterding. Mr. Holding votes aye.

Mr. Collins?

Mr. Collins. Aye.

Ms. Deterding. Mr. Collins votes aye.

Mr. DeSantis?

[No response.]

Ms. Deterding. Mr. Smith of the Missouri?

Mr. Smith of Missouri. Aye.

Ms. Deterding. Mr. Smith of Missouri votes aye.

Mr. Conyers?

Mr. Conyers. No.

Ms. Deterding. Mr. Conyers votes no.

Mr. Nadler?

Mr. Nadler. Aye.

Ms. Deterding. Mr. Nadler votes aye.

Mr. Scott?

Mr. Scott. No.

Ms. Deterding. Mr. Scott votes no.

Ms. Lofgren?

Ms. Lofgren. Aye.

Ms. Deterding. Ms. Lofgren votes aye.

Ms. Jackson Lee?

Ms. Jackson Lee. Aye.

Ms. Deterding. Ms. Jackson Lee votes aye.

Mr. Cohen?

Mr. Cohen. Aye.

Ms. Deterding. Mr. Cohen votes aye.

Mr. Johnson?

Mr. Johnson. No.

Ms. Deterding. Mr. Johnson votes no.

Mr. Pierluisi?

[No response.]

Ms. Deterding. Ms. Chu?

[No response.]

Ms. Deterding. Mr. Deutch?

[No response.]

Ms. Deterding. Mr. Gutierrez?

[No response.]

Ms. Deterding. Ms. Bass?

[No response.]

Ms. Deterding. Mr. Richmond?

[No response.]

Ms. Deterding. Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Ms. DelBene votes aye.

Mr. Garcia?

[No response.]

Ms. Deterding. Mr. Jeffries?

[No response.]

Ms. Deterding. Mr. Cicilline?

[No response.]

Chairman Goodlatte. Are there any Members who wish to vote and have not voted?

The clerk will report.

Ms. Deterding. Mr. Chairman, 24 Members voted aye, 3 Members voted no.

Chairman Goodlatte. The ayes have it, and the bill as amended is ordered reported favorably to the House.

Members will have 2 days to submit views.



[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Chairman Goodlatte. Without objection, the bill will be reported as a single amendment in the nature of a substitute incorporating all adopted amendments. And staff is authorized to make technical and conforming changes.

Pursuant to notice, I now call up H.R. 776 for purposes of markup and move the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Detending. H.R. 776, to amend Title 31, United States Code, to revise --

Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any point.

[The information follows:]

\*\*\*\*\* INSERT 4-1 \*\*\*\*\*

Chairman Goodlatte. I will begin by recognizing myself for an opening statement.

The Security in Bonding Act is a straightforward measure that will help the Federal Government, subcontractors, and the American taxpayer.

The Federal Government requires prospective bidders for Federal construction projects to support their bid with a variety of bonds. These bonds guarantee payment to the Federal Government and to the bidder's subcontractors should the bidder fail to perform all of its obligations.

Current law allows prospective bidders to use individual sureties to obtain the bonds guaranteeing their performance. The law also permits individual sureties to support their bond with illiquid and risky collateral. As a result, there have been repeated instances where the Federal Government and subcontractors turned to individual sureties for a recovery, only to find that the collateral simply does not exist.

The Security in Bonding Act addresses this problem by requiring individual sureties to provide low-risk collateral to support their bonds.

American taxpayers deserve a government that acts carefully and with fiscal responsibility when it spends their money on construction projects. Additionally, subcontractors, which are often small businesses, should be protected from these losses so they can continue to drive our economy.

It is now my pleasure to recognize the gentleman from Michigan, the ranking member, Mr. Conyers, for his opening statement.

Mr. Conyers. Thank you, Chairman Goodlatte.

To protect American taxpayers against the risk of default, any Federal construction contract valued at \$150,000 or more requires a surety to either issue a bond or to pledge low-risk assets as a condition of the contract being awarded.

H.R. 776, the Security in Bonding Act, will strengthen the protection that surety bonds are intended to provide. It does this by requiring sureties to use the same low-risk cash assets to guarantee the performance of a contract that a person not posting a surety bond would be required to give as security instead.

By mandating more reliable collateral standards, the bill would ensure the American taxpayers will not be forced to pay for the consequences of under-collateralized bonds. In addition, this bill will help protect so-called downstream subcontractors and suppliers, who very much depend on the economic vitality and performance of the general contractor and its surety.

But in strengthening these requirements, we must also ensure that they do not inadvertently create unnecessary or overly burdensome hurdles to those who want to enter into a particular business or industry, especially for small businesses owned by women, minorities, and the disabled.

According to the Commerce Department, minority-owned businesses are an integral part of local, national, and global business

communities. These businesses provide critical services, promote innovation, and create needed jobs that generate trillions of dollars in economic output.

To ensure the bill strikes the appropriate balance between requiring strong underwriting standards for Federal construction contracts and not creating an insurmountable entry barrier for emerging businesses, the legislation should include a provision requiring the Government Accountability Office to assess the impact that this measure has on the ability of disadvantaged business enterprises to successfully bid on Federal contracts.

It is my understanding that my good friend, Mr. Johnson, the ranking member of the Subcommittee on Regulatory Reform, is prepared to offer such an amendment and that the chairman has expressed his willingness to adopt this amendment. If this amendment is adopted, I intend to support H.R. 776.

And so, accordingly, I thank Chairman Goodlatte, Ranking Member Johnson, for working together on this bipartisan measure to avoid unintended consequences and ensure the success of minority and disadvantaged businesses.

I thank you and yield back the balance of my time.

Chairman Goodlatte. The chair thanks the gentleman.

Are there any amendments to H.R. 776?

For what purpose does the gentleman from Georgia seek --

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

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to H.R. 776 offered by Mr. Johnson of Georgia.

Mr. Johnson. I ask that it be considered as read.

Chairman Goodlatte. Without objection, the amendment is considered as read.

[The amendment of Mr. Johnson follows:]

\*\*\*\*\* INSERT 4-2 \*\*\*\*\*

Chairman Goodlatte. And the gentleman is recognized for 5 minutes on his amendment.

Mr. Johnson. Thank you, Mr. Chairman.

I ask unanimous consent that the amendment be approved when I get finished talking about it.

By improving the underwriting standards for individual surety bonds in Federal contracts, H.R. 776 would do much to protect the Federal Government, taxpayers, downstream subcontractors and suppliers on Federal projects, many of which are small businesses owned by members of historically disadvantaged groups. But we must be careful to avoid creating barriers for emerging contractors, particularly those who can be categorized as disadvantaged business enterprises.

My amendment, which would require a GAO study of this issue, was adopted in last Congress' version of this bill and is an important measure designed to guarantee that H.R. 776 does not create barriers for emerging businesses to Federal construction contracts.

Emerging contractors rely very heavily on individual sureties in order to be able to bid for Federal contracts. Any move that threatens to reduce the availability of bonding from individual sureties should also take into account the potential impact on emerging businesses.

I am cognizant of the dangers of lax financial regulation and bad underwriting practices, as we have seen in the form of poorly underwritten mortgages and private student loans, the consequences of which our economy will continue to suffer from for years to come.

But the success of minority and disadvantaged businesses is a longstanding interest of mine. Since first introducing it in the 111th Congress, I have championed the Fairness and Transparency in Contracting Act legislation that would create much-needed transparency in the procurement of Federal contracts by small businesses.

In a 2012 report, the SBA Inspector General listed Federal contracting as the SBA's top management challenge and noted that the Federal Government continually and woefully falls short of its percentage goal for small-business contract procurement.

Whether due to inaccurate reporting, the misapplication of contracting rules, or the misrepresentation of the size of a business so that it may qualify for certain Federal contracts, the certainty and magnitude of this problem demonstrates that small businesses, particularly minority and disadvantaged businesses, are already severely hampered when it comes to procuring Federal contracts. This is a serious problem that undermines small businesses at a crucial time in our economic recovery.

It is my strong belief that we need better data, more congressional scrutiny, and a thorough understanding of how we can promote the success of small businesses, particularly when it comes to minority and disadvantaged businesses. Perhaps once the GAO has had a chance to study this bill's potential impact on emerging contractors, we could revisit whether this provision needs to be amended or added to in some way.

I thank Chairman Goodlatte for considering these concerns and



working with me and my staff on this amendment. And I urge my colleagues to support this crucial measure to provide greater transparency and meaningful oversight of the small-business marketplace for Federal contracts.

And I yield back the balance --

Chairman Goodlatte. Would the gentleman yield?

Mr. Johnson. I do.

Chairman Goodlatte. I thank the gentleman.

In addition to protecting the American taxpayer, the Security in Bonding Act ensures that subcontractors, including subcontractors that are emerging businesses, have recourse to real assets should the winning bidder or prime contractor walk away from its obligations. In doing so, the intent of the bill is to help, not hurt, emerging businesses and prevent the subcontractors from potentially crippling losses.

Mr. Johnson's amendment would require the GAO to study this issue to ensure that the bill's effects match its intent. I believe this will be helpful and, therefore, support the amendment and urge my colleagues to do the same.

For what purpose does --

Ms. Jackson Lee. Would the gentleman --

Chairman Goodlatte. -- the gentleman from Michigan seek recognition?

Mr. Johnson. I will --

Chairman Goodlatte. Oh, I am sorry. The gentleman still

controls the --

Mr. Johnson. I will yield to the gentlewoman from Texas.

Ms. Jackson Lee. Does the gentleman from Michigan --

Chairman Goodlatte. He is seeking his own time after the gentleman from Georgia yields to you.

Ms. Jackson Lee. Well, let me quickly do this.

First of all, I want to acknowledge that there are members of the National Guard and the Texas National Guard here. And we thank you gentlemen and ladies for your service.

I want to joint in supporting Mr. Johnson's amendment. All of us who are engaged in constituents who deal with Federal contracts recognize the diceyness of bonding.

Might I support your amendment, and might I go a step further and hope to collaborate with you. In local governments, there are bonding collaborations that ensure that minorities and women-owned and small businesses have the opportunity to access a bonding structure that will help them do business, and I hope maybe we can explore that.

But the value of making sure that we have an astute bonding process to protect all is equal to the importance of not denying access to minority and women-owned businesses. And I believe this is a very important step, Mr. Johnson. Congratulate you for it. Look forward to working with you so that, in addition to the study, we will have additional opportunities to ensure that the doors remain open to our small minority- and women-owned businesses.

With that, I yield back to the gentleman. And I support the

gentleman's amendment.

Mr. Johnson. Thank you.

And I yield back.

Chairman Goodlatte. For what purpose does the gentleman from Michigan seek recognition?

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

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Conyers. Thank you, Mr. Chairman.

I rise in strong support of the Johnson amendment to 776.

This bill establishes important underwriting projections for the so-called downstream subcontractors and suppliers for Federal construction contracts. These downstream priorities, whether workers who provide their labor or suppliers who furnish raw materials for a Federal construction project, very much depend on the economic vitality and performance of the general contractor and its surety.

Nevertheless, heightened collateral requirements could impede individual sureties from pledging bonds on behalf of emerging businesses that might not otherwise qualify for a surety bond, thereby making it more difficult for these emerging businesses to bid on Federal projects. These businesses, whether they are economically disadvantaged groups, veterans, or small businesses just starting out, are vital contributors to our Nation's economy, not only as subcontractors but also as prime contractors.

That is why I support the Johnson amendment, which would require the Government Accountability Office to, among other things, assess

the impact of the enactment of H.R. 776 on the ability of disadvantaged business enterprises, small disadvantaged businesses, and startup businesses to successfully bid on Federal contracts. This analysis will help us monitor whether the measure has any unintended consequences in this regard and ensure that the bill is not too much of a good thing.

Should the GAO report that emerging businesses are in fact being adversely impacted by these heightened requirements, it is my hope that the committee will revisit this issue to ensure the opportunity for success for businesses of all sizes and people of all backgrounds.

I want to thank the chairman of this committee, Mr. Goodlatte, for his willingness to work with us to reach a mutually agreeable result.

And I yield back the balance of my time.

Chairman Goodlatte. The chair thanks the gentleman.

For what purpose does the gentleman from Texas seek recognition?

Mr. Farenthold. To strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Farenthold. Thank you.

And I would also like to express my support for this. I am generally not one who is a big fan of studies, but in my work both on this committee and the Government Oversight and Reform Committee, it has become apparent that the entire Federal contracting process is becoming much more difficult for new and small businesses to get in. And not just the bonding requirement, but there is an overall problem

there.

And I think this study goes a long way to determining the extent of those problems. I think it is going to require a lot of reform to the overall government contracting, not just the bonding provisions. But I do think this study will be an excellent tool as we evaluate that, especially in an era where we want to encourage entrepreneurship in small businesses and promote historically disadvantaged businesses.

So I urge my colleagues to support this amendment and yield back.

Chairman Goodlatte. The question occurs on the amendment offered by the gentleman from Georgia.

All those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the ayes have it, and the amendment is agreed to.

Are there further amendments to H.R. 776?

There being none, the question occurs on reporting the bill. A reporting quorum being present, the question is on the motion to report the bill, H.R. 776, as amended favorably to the House.

Those in favor, say aye.

Those opposed, no.

The ayes have it, and the bill as amended is ordered reported favorably.

Members will have 2 days to submit views.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Chairman Goodlatte. Without objection, the bill will be reported as a single amendment in the nature of a substitute incorporating all adopted amendments. And staff is authorized to make technical and conforming changes.

Pursuant to notice, I now call up H.R. 306 for purposes of markup and move that the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Deterding. H.R. 306, for the relief of Corina de Chalup Turcinovic.

Chairman Goodlatte. Without objection, the bill is considered as read and open for amendment at any point.

[The information follows:]

\*\*\*\*\* INSERT 4-3 \*\*\*\*\*

Chairman Goodlatte. And I will begin by recognizing myself for an opening statement.

H.R. 306 is a private immigration bill providing permanent residence for Corina de Chalup Turcinovic. I support this bill and commend Mr. Lipinski for introducing it.

Ms. Turcinovic was born in France. She entered the United States through the Visa Waiver Program in 1990 after receiving news that her then-fiance, Marin Turcinovic, had been struck in New Jersey by a truck driver. Marin's spinal cord was severely damaged in the accident. He was left with total quadriplegia when his doctors failed to correctly diagnose the extent of his injuries, including broken vertebrae in his neck.

His injuries left him completely dependent on Corina for care. The INS granted her a stay of deportation on humanitarian grounds to allow her to care for Marin in their home. Such stays of deportation were renewed on an annual basis for the next 10 years. In 1996, Marin and Corina were married. In 1998, Marin became a lawful permanent resident, and, in 2003, he filed for naturalization. Once granted naturalization, it would have allowed Corina to immediately apply for permanent residence.

While a medical certification of disability made clear that Marin could not physically appear at the U.S. Citizenship and Immigration Service's office, he nonetheless received a fingerprint appointment notice. Marin's attorney contacted USCIS, and the agency responded that an officer would visit Marin at his home to further process his



application.

However, Marin then received notice that his naturalization application had been denied due to his failure to appear for fingerprinting. Marin's attorney again contacted USCIS and filed a motion to reopen Marin's application. The motion was granted. However, Marin received another fingerprint appointment notice. He died shortly thereafter.

H.R. 306 grants Ms. Turcinovic permanent residence. The case certainly seems unique and compelling, in that it involves an alien who had been allowed by the Federal Government to stay here for many years to care for her legal immigrant spouse.

There is also precedence for the bill. First, Corina would have already been a conditional permanent resident by the time of her husband's death if not for USCIS error. Congress has enacted private bills in cases of aliens who would have received permanent residence but for a mistake by the Federal Immigration Agency.

Second, Congress has enacted private bills where alien spouses of American citizens lost the right to receive permanent residence because of the deaths of the American citizens before the approval of the petitions for conditional permanent residence. The House of Representatives passed this private bill in the 110th and 112th Congresses.

Last year, this subcommittee requested a U.S. Immigration and Customs Enforcement report on Ms. Turcinovic. ICE has provided a report which contained no derogatory information.

The Subcommittee on Immigration and Border Security favorably reported this bill by voice vote on April 4th. I urge my colleagues to support this bill for a very worthy individual.

And I am now pleased to recognize the ranking member of the committee, the gentleman from Michigan, Mr. Conyers, for his opening statement.

Mr. Conyers. Mr. Chairman and members of the committee, I think that this is a very important private bill of relief for Ms. Corina de Chalup Turcinovic. And it was produced by our colleague Mr. Lipinski and supported, of course, by the gentlelady from California, Ms. Lofgren.

I think that it is an unusual circumstance, and I am glad that there are a number of Members in the Congress and on the committee that realize that she was in an automobile accident and her spinal cord was severely damaged and that unfortunately she was left permanently paralyzed.

And so, with that, I will yield back the balance of my time and of course support this private immigration bill. Or I could yield to the gentlelady from California.

Ms. Lofgren. Thank you, Mr. Chairman. That is probably quicker. I will just ask unanimous consent to put my statement in the record.

Note that this is unanimous out of the subcommittee and that the bill has actually passed the House several times. And hopefully we will finally get the Senate to coordinate with us on a private bill

calendar.

And I yield back.

[The statement of Ms. Lofgren follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Conyers. And I would yield to my distinguished colleague, Sheila Jackson Lee, for as much time as she may consume.

Ms. Jackson Lee. Mr. Chairman and Ranking Member, let me thank you and thank the hard work of this committee. I think it is a credit to this committee that, in fact, we have done this on several occasions.

This is a painful case, and it evidences the many painful cases that remain across the country dealing with immigration. This one in particular has a long history of the tragic incident of her fiance and his efforts to attempt to have her status. He was a legal permanent resident; therefore, he could not have her made a citizen.

But I do just want to conclude on this note, that some of the disconnect between his inability to show up to participate in the processes and then the ultimate arrest that occurred I believe in 2007 shows us that this is a worthy and merciful private bill, but it also shows us how many others languish in different circumstances that would warrant us to look holistically at this question of immigration.

With that, I support the underlying private bill and Mr. Lipinski's effort, and I will yield back to the gentleman from Michigan, the distinguished gentleman. I yield back.

Mr. Conyers. Thank you.

I yield back my time.

Chairman Goodlatte. The chair thanks the gentleman.

Are there any amendments to H.R. 306?

Hearing none and a reporting quorum being present, the question is on the motion to report the bill, H.R. 306, favorably to the House.

Those in favor will say aye.

Those opposed, no.

The ayes have it, and the bill is ordered reported favorably.

Members will have 2 days to submit views.

[The information follows:]

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Chairman Goodlatte. The chair congratulates the members of the committee. We have reported five bills out of the Judiciary Committee today. I thank you all for your patience and your help and your good contribution. I think all five of these bills were bipartisan in their support.

So this concludes our business for the day, and I thank all the Members for attending.

And the meeting is adjourned.

[Whereupon, at 3:31 p.m., the committee was adjourned.]