

1 NATIONAL CAPITOL CONTRACTING
2 RPTS AVERETT
3 HJU081000

4 MARKUP OF H.R. 1393; H.R. 695;
5 H.R. 883; H.R. 1188
6 Wednesday, March 22, 2017
7 House of Representatives,
8 Committee on the Judiciary,
9 Washington, D.C.

10 The committee met, pursuant to call, at 11:00 a.m., in
11 Room 2141, Rayburn House Office Building, Hon. Bob
12 Goodlatte, [chairman of the committee] presiding.

13 Present: Representatives Goodlatte, Sensenbrenner,
14 Smith, Chabot, Issa, Franks, Gohmert, Poe, Chaffetz, Marino,
15 Gowdy, DeSantis, Buck, Ratcliffe, Roby, Gaetz, Johnson of
16 Louisiana, Biggs, Conyers, Nadler, Lofgren, Jackson Lee,
17 Cohen, Johnson of Georgia, Deutch, Gutierrez, Cicilline,
18 Swalwell, Lieu, Raskin, Jayapal, and Schneider.

19 Staff Present: Shelley Husband, Staff Director; Branden
20 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian
21 and General Counsel; Meg Barr, Counsel, Subcommittee on

22 Crime, Terrorism, Homeland Security and Investigations; Dan
23 Huff, Counsel, Subcommittee on Regulatory Reform, Commercial
24 and Antitrust Law; Alley Adcock, Clerk; Danielle Brown,
25 Chief Minority Legislative Counsel and Parliamentarian; Joe
26 Graupensperger, Chief Minority Crime Counsel; Mauri Gray,
27 Minority Counsel; Joe Ehrenkrantz, Minority Professional
28 Staff Member; Slade Bond, Chief Minority RRCAL Counsel;
29 Veronica Elligan, Minority Professional Staff Member; and
30 Elizabeth McElvin, Minority Professional Staff Member.

31 Chairman Goodlatte. Good Morning. The Judiciary
32 Committee will come to order and, without objection, the
33 chair is authorized to declare a recess at any time.
34 Pursuant to notice, I now call up H.R. 695 for purpose of
35 markup and move that the committee report the bill favorably
36 to the House. The clerk will report the bill.

37 Ms. Adcock. H.R. 695. To amend the National Child
38 Protection Act of 1993 to establish a national criminal
39 history background checks system and criminal history review
40 program for certain individuals who, related to their
41 employment, have access to children, the elderly, or
42 individuals with disabilities and for other purposes.

43 [The bill follows:]

44 ***** INSERT 1 *****

45 Chairman Goodlatte. Without objection, the bill is
46 considered as read and open for amendment at any time. I
47 will begin by recognizing myself for an opening statement.

48 Nonprofit organizations provide essential youth
49 services to communities throughout the United States. They
50 run camps and afterschool programs. They enrich our
51 children's lives by providing them mentorship. That is why
52 it is essential for them to be sure that when they hire
53 someone or enlist a volunteer, that individual is fit to
54 work with children. One of the greatest challenges facing
55 child-serving nonprofits is the ability to properly vet
56 potential employees and volunteers. Access to timely,
57 inexpensive FBI background checks is vital to the success of
58 these organizations.

59 The Protect Act of 2003 established a pilot program to
60 provide fingerprint background checks for nonprofits seeking
61 to vet prospective employees. From 2003 to 2011, youth
62 serving organizations were able to conduct over 105,000
63 background checks under that program, leading to a discovery
64 that over 6,500 individuals had criminal records of concern.

65 As a result, these nonprofits were able to identify and
66 remove applicants that had committed offenses such as
67 criminal sexual conduct with a child and child endangerment.
68 The success of this program demands permanent
69 implementation.

70 H.R. 695, the bipartisan Child Protection Improvements
71 Act, introduced by Mr. Schiff and Mr. Bishop, makes the
72 pilot program permanent and expands it to include employees
73 of youth serving nonprofits. This bill creates a system
74 where youth organizations can streamline both FBI and State
75 background checks when vetting an application. It also
76 ensures privacy rights are protected by barring the
77 disclosure of an individual's specific criminal record
78 without explicit consent.

79 Additionally, applicants are provided with the
80 opportunity to correct errors in their record directly with
81 the FBI. Background checks are our first line of defense in
82 protecting our kids. This bill gives youth serving
83 organizations an additional tool to keep our children safe.
84 I urge my colleagues to support H.R. 695.

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

88 [The prepared statement of Chairman Goodlatte follows:]

89 ***** COMMITTEE INSERT *****

90 Mr. Conyers. Thank you, Mr. Chairman for your
91 description of this measure, which I agree with. We have a
92 special responsibility to protect our young people and
93 vulnerable adults. For that reason, I am pleased to be an
94 original cosponsor of H.R. 695, a bill that would provide a
95 robust, easily accessible, cost-effect background check
96 system for organizations that work with youth and vulnerable
97 adults.

98 The reasons that this bipartisan measure should receive
99 all of our support if possible, first, it will facilitate
100 more comprehensive criminal background checks, which provide
101 a critical layer of protection. These checks help identify
102 individuals who could potentially harm participants in
103 programs for children, young people, and vulnerable adults.

104 Background checks also serve to ensure the integrity
105 and accountability of the organizations that sponsor these
106 programs by reducing potential threats. Results from
107 background checks that search criminal histories nationwide
108 are more reliable than background checks that only search
109 criminal histories in a few States.

110 Secondly, State background checks are no match for the
111 FBI's fingerprint-based system, which is the only nationwide
112 database that allows a search of criminal histories in every
113 single State. Currently, this database can only be accessed
114 through State law enforcement agencies, and many States

115 limit the ability of organizations to access this system,
116 with some States completely forbidding access. As a result,
117 organizations must navigate a labyrinth of State laws or
118 rely on private companies to perform background checks of
119 employees and volunteers.

120 H.R. 695, on the other hand, would provide
121 organizations the ability to access the FBI's superior
122 system without impacting the autonomy of States or the
123 organizations. States would be able to continue or
124 establish their own background check systems, and
125 organizations would not be required to perform FBI
126 background checks of potential applicants or volunteers.

127 Finally, the need for this legislation is clearly
128 justified by the child safety pilot program, which we
129 implemented over a decade ago. This program documented the
130 effectiveness of nationwide background checks for youth
131 serving organizations. Based on a comprehensive review of
132 thousands of criminal history records spanning an 8-year
133 period, the program demonstrated that people who might pose
134 a risk to the safety of children nevertheless attempted to
135 work with children.

136 For example, the program identified applicants who, to
137 avoid detection used aliases, incorrect dates of birth, or
138 Social Security numbers that were incorrect. Some of these
139 applicants had serious criminal histories, including

140 homicides, sexual assaults, child endangerment, and rape.
141 More than one-third of criminal history hits were from out
142 of State, and more than half of the people with criminal
143 history hits failed to disclose them on their application.
144 H.R. 695 would allow organizations access to the FBI's
145 comprehensive background check system, and thereby help
146 ensure the safety of our youth and others.

147 In closing, I know that there is still work to do to
148 address the incompleteness and lack of accuracy of some of
149 our criminal history records. Although this bill permits
150 from those who are disqualified for positions under these
151 checks to challenge the results of their check, more must be
152 done to ensure the accuracy of these records so that
153 individuals are not identified in error as having a
154 particular disqualification in their background.

155 And so, accordingly, I urge my colleagues to support
156 H.R. 695 and I yield back, Mr. Chairman, any time remaining.

157 [The prepared statement of Mr. Conyers follows:]

158 ***** COMMITTEE INSERT *****

159 Chairman Goodlatte. Thank you, Mr. Conyers. Are there
160 any amendments to H.R. 695? For what purpose does the
161 gentleman from South Carolina seek recognition?

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

164 Chairman Goodlatte. The clerk will report the
165 amendment.

166 Ms. Adcock. Amendment to H.R. 695 offered by Mr.
167 Gowdy. Page 6, line 8 --

168 [The amendment of Mr. Gowdy follows:]

169 ***** COMMITTEE INSERT *****

170 Chairman Goodlatte. Without objection, the amendment
171 is considered as read and the gentleman recognized for 5
172 minutes on his amendment.

173 Mr. Gowdy. Thank you, Mr. Chairman. The Child
174 Protection Amendment to this Act has garnered support across
175 the board. It aims to make permanent the safety programs
176 established in the Protect Act of 2003. I am proposing this
177 small technical amendment, which clarifies how the system
178 works and more accurately reflects the role of the
179 designated entities in the bill as a channel between youth
180 serving organizations and the FBI.

181 Moreover, Mr. Chairman, it emphasizes that this bill
182 provides a supplemental way assure background checks on
183 volunteers, staff who work with children, or other
184 vulnerable groups, are as comprehensive as possible and
185 State databases may also be checked by a designated entity.
186 I would respectfully ask my colleagues to support this
187 amendment. With that, I will yield back to the chair.

188 Chairman Goodlatte. The chair thanks the gentleman.
189 For what purpose does the gentleman from Michigan seek
190 recognition?

191 Mr. Conyers. Merely to support Mr. Gowdy's amendment,
192 and I thank you.

193 Chairman Goodlatte. The chair thanks the gentleman.
194 The question occurs on the amendment offered by the

195 gentleman from South Carolina.

196 All those in favor, respond by saying aye.

197 Those opposed, no.

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

199 Are there other amendments to H.R. 695? Given the lack
200 of a reporting quorum, further proceedings on H.R. 695 will
201 be postponed.

202 Mr. Sensenbrenner. Mr. Chairman?

203 Chairman Goodlatte. For what purpose does the
204 gentleman from Wisconsin seek recognition?

205 Mr. Sensenbrenner. Since we are done with amendments,
206 I ask that unanimous consent that the previous question on
207 this bill be ordered.

208 Chairman Goodlatte. Is there any objection to order
209 the previous question? Being none, the previous question is
210 ordered. Given the lack of a reporting quorum, further
211 proceedings on H.R. 695 will be postponed.

212 Pursuant to notice, I now call up H.R. 883 for purposes
213 of markup and move that the committee report the bill
214 favorably to the House. The clerk will report the bill.

215 Ms. Adcock. H.R. 883. To amend title 18 United States
216 Code to provide a certification process for the issuance of
217 nondisclosure requirement accompanying certain
218 administrative subpoenas to provide judicial review of such
219 nondisclosure requirements and for other purposes.

220 [The bill follows:]

221 ***** INSERT 2 *****

222 Chairman Goodlatte. Without objection the bill is

223 considered as read and open for amendment at any time, and I
224 will begin. I recognize myself for an opening statement.

225 Over the past few decades, the internet has
226 revolutionized every aspect of modern society, including the
227 ways we communicate, socialize, and conduct our business and
228 geopolitical affairs. Unfortunately, it has also been used
229 a channel for predators to reach our children, a way for
230 predators to reach those most vulnerable of our citizens
231 while they are home, a place where they are supposed to be
232 and feel safe from harm. When a predator succeeds in that
233 mission, the damage is tremendous. That is why the
234 prevention of child exploitation crimes committed on the
235 internet is so important.

236 In 1998, Congress authorized the FBI to use
237 administrative subpoenas in investigations of child
238 exploitation because time is of the essence in these cases.
239 The purpose of these subpoenas is to allow law enforcement
240 to obtain information quickly and efficiently. At times,
241 the ability to do this can be the difference between life
242 and death for an innocent child.

243 In giving this authority to the Department of Justice
244 and the Federal Bureau of Investigation, Congress created a
245 provision whereby the agency would use this subpoena power
246 to gather non-content information from service providers.
247 This capability is narrowly limited to cases of child

248 exploitation.

249 In recent years, service providers have adapted
250 policies where they disclose the existence of these
251 subpoenas to their customers, in these cases, the target of
252 the investigation. In some cases, this could put a victim
253 in imminent danger, cause the target to flee or destroy
254 evidence, or otherwise endanger the integrity of the
255 investigation.

256 This means that law enforcement officers who are using
257 these subpoenas in child sexual exploitation cases where
258 there is significant risk of harm must now apply to courts
259 for nondisclosure orders, which defeats the original purpose
260 of permitting the use of the administrative subpoena to
261 investigate these horrific crimes in the first place.

262 This bill provides a much-needed solution in allowing
263 the official issuing this subpoena to direct the recipient
264 not to disclose its existence for 180 days. It can be used
265 only in cases where the official certifies it is necessary
266 due to the risk of harm, flight, expiration of evidence, or
267 otherwise seriously jeopardizes the investigation.

268 Additionally, and significantly, the bill provides for
269 due process by allowing the recipient service provider to
270 challenge the nondisclosure before a court if the recipient
271 chooses to do so. This is an important bill which makes a
272 narrow but much-needed change to existing Federal law and

273 provides law enforcement with a necessary tool to combat
274 child predators when time is of the essence, and I urge my
275 colleagues to support H.R. 883.

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

279 [The prepared statement of Chairman Goodlatte follows:]

280 ***** COMMITTEE INSERT *****

281 Mr. Conyers. Thank you, Chairman Goodlatte, and I

282 guess our agreement comes to a screeching halt on the second
283 measure before the committee today. I regret that. Members
284 of the committee, child sexual exploitation and abuses are,
285 of course, reprehensible crimes committed against the most
286 vulnerable members of our society.

287 In recent years, these offenses have been increasingly
288 facilitated by the use of the internet. H.R. 883, the
289 Targeting Child Predators Act, would change the
290 administrative subpoena statute to facilitate the
291 prosecution of criminals who commit these terrible crimes
292 against children.

293 Without question, I support the goal of pursuing these
294 criminals; nevertheless, I am concerned that the bill would
295 eliminate judicial oversight. Nondisclosure orders
296 currently require, prior to the issuance of it,
297 administrative subpoenas. I am concerned that the bill
298 would eliminate judicial oversight of nondisclosure orders
299 currently required prior to the issuance of administrative
300 subpoenas.

301 Section 3486 of title 18 of our United States Code
302 authorizes investigators to request a 90-day order of
303 nondisclosure from a district court judge. The order of
304 nondisclosure forbids the recipient, such as an internet
305 service provider, from alerting the target of the
306 investigation of the law enforcement's inquiry. H.R. 883

307 would extend the nondisclosure period from 90 days to 180
308 days to allow investigators more time to complete their
309 investigations before the target is informed of the inquiry.

310 Although I would like to have more information about
311 why it is necessary to extend this time information, it is
312 particularly problematic combined with the other significant
313 change to the law made by this bill. H.R. 883 would allow
314 investigators to require nondisclosure of internet services
315 providers without the approval of a judge, thereby
316 eliminating any judicial oversight prior to the issuance of
317 the subpoena.

318 The administrative subpoena authority is an
319 extraordinary power given to certain agencies by Congress
320 under limited circumstances. While the legislation would
321 allow a recipient to challenge a nondisclosure order in
322 court, I am concerned about the bill's elimination of
323 judicial approval on the front end. I understand the desire
324 to do more to facilitate the investigation of these crimes
325 and that the online context for them has raised issues that
326 we should continue to examine, but I do not believe the
327 committee has enough information justifying this bill, at
328 least in its current form.

329 Elimination of prior judicial approval of nondisclosure
330 orders is a step we should undertake only based on evidence
331 and careful deliberation. A bill such as this warrants at

332 least a legislative hearing to consider its potential
333 ramifications and in the evidence of this kind of evidence
334 or a meaningful, deliberative process.

335 I must accordingly urge the members of this committee
336 to oppose H.R. 883 as I am going to do. I thank the
337 chairman, and yield back any time.

338 [The prepared statement of Mr. Conyers follows:]

339 ***** COMMITTEE INSERT *****

340 Chairman Goodlatte. The chair thanks the gentleman and

341 is pleased to recognize the chief sponsor of the bill, the
342 gentleman from Florida, Mr. DeSantis, for his opening
343 statement.

344 Mr. DeSantis. Well, thank you, Mr. Chairman, and
345 thanks for the opportunity to be here today to discuss a
346 very important issue facing one of our most vulnerable
347 populations, and to discuss the Targeting Child Predators
348 Act, and how it is a simple reform that will help bring
349 predators to justice.

350 Last year, my office was contacted by local law
351 enforcement in Florida, who identified a major roadblock
352 they were facing in their quest to bring child predators to
353 justice. One of the local sheriff's office had a major
354 investigation targeting a male who was suspected of sexually
355 molesting his child, yet they knew that issuing an
356 administrative subpoena for his IP address, with his name,
357 through the internet service provider would end up notifying
358 the predator, the suspect, that this was happening. Of
359 course, once notified of a law enforcement inquiry,
360 suspected predators often destroy vital evidence or flee
361 from prosecution, further endangering threatened children.

362 Now, in this case, the Brevard County Sheriff's Office
363 was thankfully able to locate the perpetrator through other
364 means, and they were able to rescue 13 children. But that
365 was really just the positive twist of fate that led them

366 down that road. This investigation could have come to a
367 conclusion in a timelier manner, though, if they had been
368 able to subpoena the ISP without fear of the suspect being
369 tipped off.

370 Now, the FBI has acknowledged that this is an issue
371 affecting law enforcement jurisdictions across the country,
372 and this bill has been written in conjunction with the FBI
373 and the Department of Justice to provide a narrowly tailored
374 solution. The bill will amend Federal law requiring that
375 internet service providers, in the very specific case of
376 child exploitation, wait 180 days prior to disclosing to a
377 specific user that their information was lawfully requested
378 by law enforcement. This bill will prevent suspects from
379 destroying evidence and covering their tracks, giving law
380 enforcement the tools they need to better investigate these
381 heinous crimes, without expanding government's authority to
382 subpoena in any way.

383 As a former prosecutor, I know firsthand how valuable
384 electronic evidence can be to target predators, and to
385 protect our children. This act is a simple change to
386 Federal law that will help law enforcement across the Nation
387 rescue children in abusive situations, preserve critical
388 evidence, and assist in prosecuting these child predators.
389 I yield back the balance of my time.

390 [The prepared statement of Mr. DeSantis follows:]

391

***** COMMITTEE INSERT *****

392

Chairman Goodlatte. The chair thanks the gentlemen.

393 Are there any amendments to H.R. 883? For what purpose does
394 the gentleman from Wisconsin seek recognition?

395 Mr. Sensenbrenner. There are no amendments. I ask
396 unanimous consent that the previous question be ordered on
397 the bill.

398 Chairman Goodlatte. The question occurs on ordering
399 the previous question. Is there objection? Given that the
400 previous question is ordered, and given the lack of a
401 reporting quorum, further proceedings on H.R. 883 will be
402 postponed.

403 Pursuant to notice, I now call up H.R. 1188 for
404 purposes of markup and move that the committee report the
405 bill favorably to the House. The clerk will report the
406 bill.

407 Ms. Adcock. H.R. 1188. To reauthorize certain
408 programs established by the Adam Walsh Child Protection and
409 Safety Act of 2006, and for other purposes.

410 [The bill follows:]

411 ***** INSERT 3 *****

412 Chairman Goodlatte. Without objection, the bill is
413 considered as read and open for amendment at any time. I
414 will begin by recognizing myself for an opening statement.

415 It has been over a decade since President George W.
416 Bush signed into law the Adam Walsh Child Protection and
417 Safety Act. The Walsh Act was a monumental bill changing
418 how this Nation addresses registering, monitoring, and
419 apprehending sex offenders. Research shows that sexual
420 crimes reported to police declined by an average of 13
421 percent within a jurisdiction after enacting a registry.

422 What cannot be quantified, however, is the prevented
423 harm, or damage, to our children that has been averted
424 thanks to the presence of a sex offender registry.
425 Prevention is key, and that is precisely the goal of the
426 Adam Walsh Act. We must never take that for granted. That
427 is why today we will consider the Adam Walsh Reauthorization
428 Act of 2017, introduced by Congressman Sensenbrenner, the
429 author of the original Walsh Act.

430 This bill reauthorizes the Sex Offender Management
431 Assistance Program, and provides funding for the United
432 States Marshals Service, which is tasked with identifying
433 and apprehending unregistered sex offenders. Additionally,
434 the bill expands the time in which a victim of child
435 exploitation or trafficking may pursue a civil remedy. The
436 bill also aims to improve the Sex Offender Registration and

437 Notification Act, or SORNA, and make it easier for States to
438 comply. Thus far, 17 States, 108 tribes, and 3 territories
439 are in substantial compliance with the law. The intent of
440 this bill is to ensure many more jurisdictions come into
441 compliance.

442 Over the past several years, the Department of Justice
443 has worked closely with States to achieve this goal by
444 promulgating flexible guidelines and via the continued hard
445 work of the Office of Sex Offender Sentencing, Monitoring,
446 Apprehending, Registering, and Trafficking, or the SMART
447 office. The bill takes several concrete steps to encourage
448 compliance. For example, it addresses concerns many have
449 expressed about juvenile offenders. It is important to keep
450 in mind that only juveniles who have committed the most
451 serious sex offenses, such as first degree rape, are subject
452 to registration under SORNA.

453 Nevertheless, H.R. 1188 lessens the amount of time a
454 juvenile who keeps a clean record must be on the registry.
455 If these youths keep a clean record for 15 years, they may
456 petition to leave the registry. Additionally, under the DOJ
457 guidelines, States who choose to do so may forego putting
458 certain juveniles on the public registry.

459 Further, the bill alleviates the cost of implementation
460 by explicitly permitting alternative means for in-person
461 check-ins for registrants, and lessening the number of

462 required check-ins. This is a reasonable amendment that
463 will help States with significant rural populations achieve
464 compliance.

465 Last year, the Adam Walsh Reauthorization Act passed
466 the Senate by a unanimous bipartisan vote of 89 to zero.
467 Notably, our bill here today goes further than the Senate
468 bill did by including specific provisions to encourage
469 further implementation of the act. As we heard at last
470 week's hearing, there can be no keener revelation of a
471 society's soul than the way it treats its children.

472 I implore my colleagues to take that to heart and
473 support H.R. 1188 to reauthorize the Adam Walsh Act. I now
474 recognize the ranking member, Mr. Conyers, for his opening
475 statement.

476 [The prepared statement of Chairman Goodlatte follows:]

477 ***** COMMITTEE INSERT *****

478 Mr. Conyers. Thank you, Mr. Chairman. I support, but
479 with reservation, H.R. 1188, the Adam Walsh Reauthorization
480 Act. On the positive side, the bill reflects changes the
481 committee accepted when we last considered this in 2012 that
482 improved the requirements for States to register sex
483 offenders under the Sex Offender Registration and
484 Notification Act. That bill was adopted in committee by
485 voice vote, and subsequently passed the House by voice vote.
486 As we noted last time, however, that while the legislation
487 made some useful reforms, it failed to address fundamental
488 concerns with the Sex Offender Registration and Notification
489 Act.

490 We find ourselves in a similar circumstance today. The
491 Adam Walsh Act establishes the Sex Offender Registration and
492 Notification Act as a national system for the registration
493 of sex offenders. States that fail to substantially
494 implement it are subject to a 10 percent reduction in
495 Federal grants under the Ed Byrne Memorial Justice Assistant
496 Program, a grant program. Whatever one's belief may be
497 about the wisdom and results of sex offender registries
498 prior to the Sex Offender Registration and Notification Act,
499 many States had already developed sex offender registries on
500 their own and devoted substantial resources to identify most
501 effective methods to manage sex offenders.

502 Unfortunately, the Sex Offender Registration and

503 Notification Act forces States to disregard these efforts in
504 favor of a one-size-fits-all system. One of the principle
505 concerns with the Sex Offender Registration and Notification
506 Act is that it deprives States' flexibility in dealing with
507 juvenile sex offender registrations, even though juvenile
508 offenders have been shown to be more responsive to treatment
509 than adult offenders, and rarely reoffend sexually when
510 provided with appropriate treatment.

511 Commendably, H.R. 1188 would allow States discretion in
512 determining whether juvenile sex offender information will
513 be accessible to the public via the internet. And it would
514 reduce the time that certain, but not all, juvenile sex
515 offenders, adjudicated as delinquent, are required to
516 register from 25 years to 15 years. The bill would also
517 insulate local governments from granting funding penalties
518 as a result of their State's noncompliance, and give States
519 greater flexibility in methods by which they fulfill
520 reporting requirements.

521 These changes are welcome steps in the right direction
522 to address existing concerns with the Sex Offender
523 Registration and Notification Act. And that may encourage
524 increased compliance. I thank the gentleman from Wisconsin,
525 Mr. Sensenbrenner, and other cosponsors of this legislation,
526 for their steadfast work on these issues. Nevertheless,
527 there is still work that must be done with respect to the

528 registration of justice offenders and other issues.

529 Accordingly, I look forward to considering amendments
530 that address these concerns and that will further improve
531 the bill. As we noted at the time, however, that while the
532 legislation has made some reforms, it failed to address
533 fundamental concerns with the Sex Offender Registration and
534 Notification Act. And so, today, I find myself in a similar
535 circumstance now. The Adam Walsh Act has not.

536 Accordingly, I look forward to considering amendments
537 that address these concerns and that will further improve
538 the bill. Mr. Chairman, I yield back any time that may be
539 remaining. Thank you, Mr. Chairman.

540 [The prepared statement of Mr. Conyers follows:]

541 ***** COMMITTEE INSERT *****

542 Chairman Goodlatte. The chair thanks the gentlemen,
543 and is pleased to recognize the chief sponsor of the bill,
544 and the chairman of the Immigration Subcommittee, the
545 gentleman from Wisconsin, Mr. Sensenbrenner, for his opening
546 statement.

547 Mr. Sensenbrenner. Mr. Chairman, the Adam Walsh Child
548 Protection Safety Act, enacted in 2006, is landmark
549 legislation intended to keep our communities and, more
550 importantly, our children safe from sex offenders and other
551 dangerous predators. This bipartisan bill strengthens sex
552 offender registry requirements and enforcement, extended
553 Federal registry requirements to Indian tribes, and
554 authorized funding for several programs intended to address
555 and deter child exploitation.

556 The centerpiece of the Adam Walsh Act is a National Sex
557 Offender Registration and Notification Act, known as SORNA.
558 SORNA's goal is to create seamless national sex offender
559 registry to assist law enforcement efforts to detect and
560 track offenders. SORNA provides minimum standards for State
561 sex offender registries, and created the Dru Sjodin National
562 Sex Offender Website, which allows law enforcement officials
563 and the general public to search for sex offenders
564 nationwide from just one website.

565 H.R. 1188, the Adam Walsh Reauthorization Act of 2017,
566 reauthorizes two key programs for the original Adam Walsh

567 Act, grants the States and other jurisdictions to implement
568 the Adam Walsh Act sex offender requirements; and funding
569 for the U.S. Marshals to locate and apprehend sex offenders
570 who violate registration requirements.

571 Specifically, the bill authorizes not less than 60
572 million annually through fiscal year 2021, which is
573 consistent with recent appropriations. These programs are
574 crucial to efforts to complete and enforce the national
575 network of sex offender registries, particularly in light of
576 the already passed deadlines for States to come into
577 compliance with SORNA.

578 Based on feedback from the States, the bill makes
579 targeted changes to the SORNA sex offender registry
580 requirements. The bill changes the period of time after
581 which a juvenile's adjudicated a delinquent can petition to
582 be removed from the sex offender registry for a clean record
583 from 25 years to 15 years; provides that juveniles do not
584 need to be included on publicly viewed sex offender
585 registries. In addition, it is sufficient for juveniles to
586 be included on registries that are only viewed by law
587 enforcement entities.

588 I believe these provisions strike an appropriate
589 balance between being tough on juveniles who commit serious
590 sex crimes and understanding that there can be differences
591 between adult and juvenile offenders. The bill also

592 recognizes the unique challenges that tribes face in
593 implementing SORNA. It provides technical assistance to
594 tribes so they can access and enter information into the
595 Federal criminal information databases.

596 Finally, H.R. 1188 amends the statute of limitations to
597 allow individuals who are victims of exploitation or
598 trafficking as juveniles, they have 10 years after becoming
599 an adult to file suit for a civil remedy.

600 It is my hope that with these common sense changes,
601 more States will come into compliance. The Adam Walsh Act
602 has already been a public safety success. To date, the
603 Justice Department has deemed 128 jurisdictions
604 substantially compliant with SORNA requirements, including
605 108 tribes in three territories. This legislation is
606 critical, despite ongoing prevention efforts, and the fight
607 against child exploitation is not yet over.

608 I urge my colleagues to support the bill, and yield
609 back the balance of my time.

610 [The prepared statement of Mr. Sensenbrenner follows:]

611 ***** COMMITTEE INSERT *****

612 Chairman Goodlatte. The chair thanks the gentleman.
613 For what purpose does the gentleman from Michigan seek
614 recognition?

615 Mr. Conyers. Mr. Chairman, I would like to enter some
616 letters into the record, with your approval. We have three
617 letters concerning this bill asking us to address problems
618 with the Sex Offender Registration and Notification Act.

619 One letter is signed by 21 individuals and
620 organizations, including Impact Justice, R Street Institute,
621 the Campaign for Youth Justice, the National Alliance to End
622 Sexual Violence, and the Texas Association Against Sexual
623 Assault. And I ask that these letters be made part of the
624 record at this time.

625 Chairman Goodlatte. Without objection, the letters
626 will be made a part of the record.

627 [The information follows:]

628 ***** COMMITTEE INSERT *****

629 Mr. Conyers. I thank the gentleman.

630 Chairman Goodlatte. The chair thanks the gentlemen.

631 The committee will recess for lunch, and will reconvene
632 immediately after the first series of votes, which is
633 expected to conclude around 2:00 p.m. Members would return
634 promptly from those votes, we can proceed to finish
635 completion of this bill and the two bills we have already
636 moved the previous question on, and the Mobile Workforce
637 Act. The committee will stand in recess.

638 [Recess.]

639 Chairman Goodlatte. The committee will reconvene.
640 When the committee recessed, we were considering amendments
641 to the Adam Walsh Reauthorization Act of 2017. For what
642 purpose does the gentleman from Wisconsin seek recognition?

643 Mr. Sensenbrenner. Mr. Chairman, I have a manager's
644 amendment at the desk.

645 Chairman Goodlatte. The clerk will report the
646 amendment.

647 Ms. Adcock. Amendment to H.R. 1188, offered by Mr.
648 Sensenbrenner of Wisconsin, page 2, strike --

649 Mr. Sensenbrenner. Mr. Chairman, I ask unanimous
650 consent the amendment be considered as read.

651 Chairman Goodlatte. Without objection, the amendment
652 is considered as read, and the gentleman is recognized for 5
653 minutes on his amendment.

654 [The amendment of Mr. Sensenbrenner follows:]

655 ***** COMMITTEE INSERT *****

656 Mr. Sensenbrenner. Mr. Chairman, this manager's
657 amendment makes a number of important changes to the
658 underlying bill, while still maintaining its goal of
659 sufficiently reauthorizing the bill and maintaining
660 important improvements. The amendment changes the amount
661 for reauthorization in section 3, which funds the U.S.
662 Marshals in their Adam Walsh investigations.

663 The bill amends the reauthorization to not less than
664 \$60 million. The amendment also eliminates the requirement
665 that the Department of Justice report the number of
666 juveniles that were convicted of statutory rape, who are on
667 the national sex offender registry.

668 Statutory rape is antiquated terminology for sex
669 offenses defined in terms of engaging in sexual acts with
670 children below a certain age, in which proof of a lack of
671 factual consent is not a required element. For example,
672 consider the case in which a 17-year-old is prosecuted and
673 convicted as an adult for raping an 8-year-old child, under
674 a provision that simply prohibits engaging in sexual acts
675 with persons below the age of 12.

676 Under the section 7 reporting requirement, this would
677 qualify as a statutory rape, and would need to be reported
678 as such. Discovering some number of such cases, even if it
679 were feasible, will not be indicative of an overuse of
680 registration, in relation to juvenile sex offenders. The

681 amendment also permits some technical assistance for tribes
682 funded by the Department of Justice Working Capital Fund.

683 Finally, it gives discretion to DOJ to determine the
684 appropriate alternative means of in person verification.
685 These proposals will refine and strengthen the bill, and I
686 urge my colleagues to support the amendment.

687 Chairman Goodlatte. For what purpose does the
688 gentlewoman from Texas seek recognition?

689 Ms. Jackson Lee. Mr. Chairman, I was going to strike
690 the last word at the appropriate time. I have no comments
691 on the manager's amendment.

692 Chairman Goodlatte. Okay, we will come back to you.

693 Ms. Jackson Lee. Except to say that I support it, and
694 yield back.

695 Chairman Goodlatte. Excellent. That is good to hear.
696 For what purpose does the gentleman from Michigan seek
697 recognition?

698 Mr. Conyers. For the purposes of supporting the
699 gentleman from Wisconsin's technicality.

700 Chairman Goodlatte. The gentleman is recognized.

701 Mr. Conyers. I merely want to congratulate Mr.
702 Sensenbrenner on going through this with such carefulness
703 that we improve this part of the bill, and I thank him for
704 it. I yield back.

705 Chairman Goodlatte. A question occurs on the manager's

706 amendment, offered by the gentleman from Wisconsin.

707 All those in favor, respond by saying aye.

708 Those opposed, no.

709 The ayes have it, and the manager's amendment is agreed
710 to.

711 Ms. Jackson Lee. Mr. Chairman.

712 Chairman Goodlatte. Are there amendments to the
713 manager's amendment? For what purpose does the gentlewoman
714 from Texas seek recognition?

715 Ms. Jackson Lee. I would like to strike the last word
716 briefly.

717 Chairman Goodlatte. The gentlewoman is recognized for
718 5 minutes.

719 Ms. Jackson Lee. I thank you very much Mr. Chairman.
720 I rise to speak on H.R. 1188, the Adam Walsh Reauthorization
721 Act of 2017. It is clearly a step forward for all of the
722 reasons that we will hear as we proceed in the markup of
723 this bill. It is certainly an improvement over current law,
724 with a very strong, very important subject, but we hope that
725 it will do more as we go forward.

726 We know the tragic and horrific story of Adam Walsh,
727 but we know it of so many children that have suffered this
728 violent response to their young life, either death or sexual
729 assault where they have survived. This bill is a step
730 forward in our effort to address concerns about the Sex

731 Offender Registration and Notification Act, commonly known
732 as SORNA. We must address some of the issues that have
733 persisted with SORNA since its enactment.

734 There is no doubt that child sexual exploitation is a
735 plague on our country. Mistreatment of children should not
736 be tolerated, and we have a duty to carefully craft the
737 solutions and making sure that it is clear because the
738 importance of criminal justice law is to make sure that the
739 perpetrator is both found and tried under a clear
740 understanding of which he or she is brought to justice.

741 The creation of a uniform, nationwide standard for sex
742 offender registries and the Adam Walsh Act of 2006 was
743 certainly laudable with the emphasis on prevention and
744 protection. Congress soon found out that State
745 implementation of SORNA would not occur as quickly as
746 possible or easily. Many States were unable to comply, and
747 some would not comply because of disagreements about who
748 should be subject to mandatory registration.

749 Problems with SORNA were still evident in 2012 when we
750 last considered but did not complete reauthorization of the
751 Adam Walsh Act. Now, 10 years after the enactment, we have
752 the opportunity to address some of these concerns.

753 According to the Department of Justice, Office of Justice
754 Programs, only 17 States, three territories, 103 Indian
755 tribes have substantially implemented SORNA.

756 States continue to incur penalties. What we want is
757 results. Juvenile registration is still the most
758 significant barrier. Research has shown that the treatment
759 of juvenile sex offenders must be addressed in a community
760 based approach in intervention and therapy.

761 Researchers have also found that adolescents who
762 completed sex offender treatment have had a lower recidivism
763 rate. In order to implement the approaches to this
764 treatment of juvenile offenders that have proven successful,
765 States must have flexibility in the manner in which they
766 handle juvenile sex offenders, but we must also get the
767 facts. We must also know the facts.

768 So, I believe that we have a task in front of us, and I
769 want to add my appreciation to Mr. Sensenbrenner for looking
770 carefully and diligently through the bill and his manager
771 amendment that has already passed, and I look forward to us
772 giving the important instructions that the Attorney General
773 will need, as well the States will need, and to be able to
774 move forward on the intent purpose of this bill, but more
775 importantly, to coddle, nurture, protect, and love and stand
776 for and fight for the juveniles, the victims, and as well to
777 find some opportunity for the bill or the legislation to
778 work effectively throughout the Nation.

779 I thank you and I yield back.

780 Chairman Goodlatte. The chair thanks the gentlewoman.

781 For what purpose does the gentleman from Utah seek
782 recognition?

783 Mr. Chaffetz. Mr. Chairman, I have an amendment at the
784 desk.

785 Chairman Goodlatte. The clerk will report the
786 amendment.

787 Ms. Adcock. Amendment to H.R. 1188, offered by Mr.
788 Chaffetz. Add at the end of the bill the following.

789 [The amendment of Mr. Chaffetz follows:]

790 ***** COMMITTEE INSERT *****

791 Chairman Goodlatte. Without objection, the amendment
792 is considered as read and the gentleman is recognized for 5
793 minutes on his amendment.

794 Mr. Chaffetz. Mr. Chairman, I thank you for
795 championing the reauthorization of this bill and moving it
796 forward. I also want to thank Chairman Sensenbrenner for
797 his approach and attention to this issue. Since its
798 inception, the Adam Walsh Act of Inclusion of Juvenile
799 Offenders has generated much discussion on the contours of
800 this policy.

801 On the one hand, society does not want youthful, simple
802 mistakes to change the course of a juvenile's life forever.
803 On the other hand, society must assure that a juvenile who
804 has demonstrated a propensity to commit serious, dangerous,
805 violent offenses does not endanger others. Recognizing this
806 tension, the Adam Walsh Act merely sets forth that juvenile
807 adjudications of the most egregious kind should be
808 registered, and only for those of the age 14 years old and
809 older. This amendment further clarifies this point by
810 narrowing the definitions for these egregious offenses used
811 in the Act.

812 Some propose adding a discretionary component to this
813 provision. Doing so, however, will not protect victims and
814 it may have negative consequences for those juveniles. We
815 should embrace a policy that requires those who are most

816 dangerous to register with law enforcement. There must be
817 appropriate supervision for a teenager who commits a violent
818 rape.

819 Only days ago, a 14-year-old girl was brutally raped in
820 a bathroom stall at her school and one of the perpetrators
821 was 17 years old. That is not a youthful indiscretion, if
822 the media reports are accurate. That is not innocent
823 exploratory conduct of a confused young person. That is a
824 violent, predatory, horrific offense. If he were charged as
825 a juvenile, would you not agree that he should have this
826 type of monitoring contemplated by the Sex Offender
827 Registration and Notification Act, SORNA, as we know it?

828 Second, a discretionary system gives States carte
829 blanche to jettison any registration of juvenile
830 adjudications, even the extremely narrow registration
831 requirements covered by SORNA. This will have undesirable
832 consequences for some of these juvenile offenders. Where a
833 State has no mechanism to register these juveniles, there
834 will be a greater chance that the juvenile will be charged
835 as an adult where possible.

836 That means he or she will not be on a non-public
837 registry; they will not be able to get off the registry
838 early as this bill provides; and most significantly, they
839 will spend far more time in prison than if adjudicated in a
840 juvenile court.

841 If you are in a jurisdiction where a prosecutor can
842 choose whether to prosecute a juvenile in an adult court or
843 a juvenile in a juvenile setting, a prosecutor is tasked
844 with protecting the community may choose to prosecute that
845 juvenile in an adult court if he or she does not feel the
846 community will be protected by the limited consequences of a
847 juvenile adjudication.

848 I am offering a solution whereby Congress makes clear
849 only the most serious offenses will qualify a juvenile for
850 registration. The Act states that the juvenile offender
851 should be registered for offenses comparable to 18 U.S.C.
852 2241, which criminalizes aggravated sexual abuse. That
853 statute has three subsections.

854 Subsection A of the statute punishes sexual acts
855 committed by force or threat of force. Subsection B
856 punishes sexual acts committed after the offender drugs a
857 victim or renders them unconscious. Subsection C bans any
858 sexual act, even those without force, with any person under
859 the age of 12.

860 The Department of Justice guidelines on this matter
861 make clear that States need only to address offenses under
862 subsection A or B, not under subsection C, to be compliant.
863 This will add to the other provisions in Adam Walsh to make
864 sure that we are treating these juveniles fairly and justly.

865 The present bill reduces the clean record provision to

866 15 years and also allows States to keep juvenile
867 adjudications nonpublic. Taken together, this is a
868 comprehensive approach in carving out which juveniles should
869 be registered and how they should be treated. The amendment
870 codifies the guidelines to make clear that only the most
871 serious offenders should be included and that is why I am
872 sponsoring this amendment, and I hope my colleagues can join
873 me in supporting it. I yield back.

874 Chairman Goodlatte. The question occurs on the
875 amendment offered by the gentleman from Utah.

876 All those in favor, respond by saying aye.

877 Those oppose, no.

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

879 Are there further amendments to H.R. 1188?

880 Ms. Jackson Lee. Mr. Chairman?

881 Chairman Goodlatte. For what purpose does the
882 gentlewoman from Texas seek recognition?

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

884 Chairman Goodlatte. The clerk will report the
885 amendment.

886 Ms. Jackson Lee. Which I think falls as 004XML at the
887 end of the bill, section 12.

888 Ms. Adcock. Amendment to H.R. 1188, offered by Ms.
889 Jackson Lee of Texas. Add at the end of the bill --

890 [The amendment of Ms. Jackson Lee follows:]

891

***** COMMITTEE INSERT *****

892 Chairman Goodlatte. Without objection, the amendment
893 is considered as read and the gentlewoman is recognized for
894 5 minutes on her amendment.

895 Ms. Jackson Lee. Our job here is to stop any harm from
896 being done, and to do no harm to the purpose of this
897 legislation to save lives, to stop violent perpetrators, and
898 attacks and sexual attacks against our young victims. At
899 the same time, I think that we must operate on facts and we
900 must also seek to ensure that we improve the compliance and
901 participation of all States so that we have a deterrent that
902 is strong and credible.

903 One of the most difficult issues we must address with
904 respect to the Sex Offender Registration and Notification
905 Act requirements is the registration of juveniles. That is
906 why I am offering this amendment to require the National
907 Institute of Justice to prepare and submit to Congress a
908 report on the public safety, recidivism, and collateral
909 consequences of long-term registration of juvenile sex
910 offenders.

911 We have heard so much about the negative, unnecessary,
912 and counterproductive consequences to juveniles who are
913 forced to register. Many juvenile offenders are themselves
914 victims who need treatment and we know that they are
915 amenable to and responsive to treatment. They are, in fact,
916 in many instances young and susceptible to guidance. They

917 need help so they can heal and so they are less likely to
918 reoffend. In fact, recidivism rates for these juvenile
919 offenders are already very low and registration does not
920 improve public safety.

921 But what we want to do is make sure that we have all
922 States complying, all jurisdictions. Studies show that the
923 rate at which juveniles commit new offenses, an already low
924 number, is not further reduced through registration.

925 Juveniles who are registered often face psychological
926 harm, social alienation, life obstacles; in some States, for
927 example, children on the registry are denied a normal
928 education among their peers because much or all of the
929 school environment is off-limits to them. Families must
930 relocate if their house is too close to a neighborhood
931 school or park. Some children are removed from their own
932 homes if they have younger siblings, frequently landing them
933 in perilous foster care or juvenile justice settings.

934 So many of us have heard of the unevenness and
935 challenges of foster care and the juvenile justice detention
936 centers that many children may be in. Almost universally,
937 these children grow up isolated and depressed, and it is
938 telling that 1-in-5 children raised on registries attempt
939 suicide at some point in their lives. These are concerns
940 that must be addressed.

941 We need the Justice Department to focus on them. That

942 is why I offer the Jackson Lee amendment to require the NIJ
943 to study these issues. This study would allow us to better
944 understand the implications and effectiveness of this
945 approach as we truly are protecting the public and whether
946 or not we are finding ways to take these young actors, if
947 you will, out of this life and steering them in the
948 direction while rehabilitating them and the child victim.

949 Let me indicate, if I can, three points. Violence of
950 youth registrants and their families; 52 percent are the
951 targets of vigilante violence, including threats to their
952 lives. Eighty-five percent report serious psychological
953 harm as a result of registration. One in five attempt
954 suicide, many succeed. Forty-four percent of children on
955 the registry experience homelessness due to safety zone
956 restrictions, and 77 percent reported that registration not
957 only impacted the registrant but significantly harmed their
958 families.

959 I ask my colleagues to support the Jackson Lee
960 amendment as we move forward for more informed decisions and
961 a better way of serving this population.

962 Chairman Goodlatte. Will the gentlewoman yield?

963 Ms. Jackson Lee. I would be happy to yield.

964 Chairman Goodlatte. I thank the gentlewoman for
965 yielding. I think she has a fine amendment that I certainly
966 am pleased to support, and I think it complements the work

967 that the committee just did in adopting the amendment by the
968 gentleman from Utah because it will provide us with more
969 information on this sensitive point regarding juveniles as
970 we move forward. I urge my colleagues to join me in
971 supporting the amendment.

972 Ms. Jackson Lee. I thank the gentleman.

973 Chairman Goodlatte. The question occurs on the
974 amendment.

975 All those in favor, respond by saying aye.

976 Those oppose, no.

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

978 Are there further amendments to H.R. 1188?

979 Mr. Conyers. Mr. Chairman, I have an amendment at the
980 desk.

981 Chairman Goodlatte. The clerk will report the
982 amendment.

983 Ms. Adcock. Amendment to H.R. 1188, offered by Mr.
984 Conyers. Add at the end of the bill --

985 [The amendment of Mr. Conyers follows:]

986 ***** COMMITTEE INSERT *****

987 Chairman Goodlatte. Without objection, the amendment
988 is considered as read and the gentleman is recognized for 5
989 minutes on his amendment.

990 Mr. Conyers. Thank you, Mr. Chairman. My colleagues,
991 I offer this change to the statute defining which
992 convictions and adjudications require notification by
993 allowing States' discretion as to whether they will register
994 juveniles adjudicated delinquent for sex offenses.

995 It is my position that we must give States the
996 opportunity to make sound decisions based on the best
997 research, evidence that may not have been available in 2006.
998 But even then, most advocates and proponents of Federal sex
999 offender registration and notification laws never intended
1000 for youth adjudicated in juvenile court to be included on
1001 these registries.

1002 Patty Wetterling has deep concerns about the wide-
1003 reaching scope of today's registration laws. She is the
1004 mother of Jacob Wetterling, who was abducted in 1989, never
1005 found, and became the namesake for the first Federal law to
1006 mandate that States create sex offender registries. And so,
1007 I urge the careful and appreciated support of this amendment
1008 and yield back the balance of my time.

1009 Chairman Goodlatte. For what purpose does the
1010 gentleman from Utah seek recognition?

1011 Mr. Chaffetz. I oppose this amendment and move to

1012 strike the last word.

1013 Chairman Goodlatte. The gentleman is recognized for 5
1014 minutes.

1015 Mr. Chaffetz. Thank you, Mr. Chairman. As we have
1016 been talking about in the discussion here, here is one of
1017 the concerns about. And the amendment that I just offered
1018 which was widely supported, which I appreciate, really added
1019 to the statute in that we were going to identify violent
1020 actions, including the drugging or making somebody
1021 unconscious or participating in making that person
1022 unconscious, as a bar that would require notification under
1023 this act even if they were a minor. As you go back and look
1024 at the amendment that I had offered, it excluded section C,
1025 which is less violent in its approach.

1026 My concern is that if you were to go forward with the
1027 amendment that Mr. Conyers has offered, you are going to add
1028 discretion such that some prosecutors will actually feel as
1029 if they need to adjudicate in not the juvenile court, but
1030 they will want to ratchet that up in order to protect
1031 society and have the notification. So, I think it would
1032 actually have the reverse effect of what I think the
1033 gentleman from Michigan is trying to actually do.

1034 So, let's target those that are acting violently; the
1035 use of force, the threat of force, rendering somebody
1036 unconscious. That seems to me to be an appropriate level to

1037 say, "All right, you are going to need to be on the
1038 registry." But if you are participating in maybe a youthful
1039 indiscretion, maybe stepped over the line. There are an
1040 infinite number of possibilities that would add more
1041 discretion to it.

1042 But to blanketly say, "Hey, if a 17-year-old is
1043 involved in a violent rape and we are not going to put them
1044 on that registry and we are going to give that discretion,"
1045 I do not think that is the spirit of what we are trying to
1046 do.

1047 I would urge that we not pass this amendment that is
1048 before us at this point as I think it will have quite the
1049 opposite effect of what I think the gentleman is ultimately
1050 trying to do. With that, I yield back.

1051 Chairman Goodlatte. The question occurs on the
1052 amendment offered by the gentleman from Michigan.

1053 All those in favor, respond by saying aye.

1054 Those opposed, no.

1055 In the opinion of the chair, the noes have it. The
1056 amendment is not agreed to.

1057 Mr. Conyers. A recorded vote is requested.

1058 Chairman Goodlatte. A recorded vote is requested and
1059 the clerk will call the roll.

1060 Ms. Adcock. Mr. Goodlatte?

1061 Chairman Goodlatte. No.

1062 Ms. Adcock. Mr. Goodlatte votes no.
1063 Mr. Sensenbrenner?
1064 Mr. Sensenbrenner. No.
1065 Ms. Adcock. Mr. Sensenbrenner votes no.
1066 Mr. Smith?
1067 [No response.]
1068 Mr. Chabot?
1069 [No response.]
1070 Mr. Issa?
1071 Mr. Issa. No.
1072 Ms. Adcock. Mr. Issa votes no.
1073 Mr. King?
1074 [No response.]
1075 Mr. Franks?
1076 [No response.]
1077 Mr. Gohmert?
1078 Mr. Gohmert. No.
1079 Ms. Adcock. Mr. Gohmert votes no.
1080 Mr. Jordan?
1081 [No response.]
1082 Mr. Poe?
1083 [No response.]
1084 Mr. Chaffetz?
1085 Mr. Chaffetz. No.
1086 Ms. Adcock. Mr. Chaffetz votes no.

1087 Mr. Marino?
1088 Mr. Marino. No.
1089 Ms. Adcock. Mr. Marino votes no.
1090 Mr. Gowdy?
1091 Mr. Gowdy. No.
1092 Ms. Adcock. Mr. Gowdy votes no.
1093 Mr. Labrador?
1094 [No response.]
1095 Mr. Farenthold?
1096 [No response.]
1097 Mr. Collins?
1098 [No response.]
1099 Mr. DeSantis?
1100 Mr. DeSantis. No.
1101 Ms. Adcock. Mr. DeSantis votes no.
1102 Mr. Buck?
1103 Mr. Buck. No.
1104 Ms. Adcock. Mr. Buck votes no.
1105 Mr. Ratcliffe?
1106 [No response.]
1107 Ms. Roby?
1108 Ms. Roby. No.
1109 Ms. Adcock. Ms. Roby votes no.
1110 Mr. Gaetz?
1111 [No response.]

1112 Mr. Johnson of Louisiana?
1113 Mr. Johnson of Louisiana. No.
1114 Ms. Adcock. Mr. Johnson votes no.
1115 Mr. Biggs?
1116 Mr. Biggs. No.
1117 Ms. Adcock. Mr. Biggs votes no.
1118 Mr. Conyers?
1119 Mr. Conyers. Aye.
1120 Ms. Adcock. Mr. Conyers votes aye.
1121 Mr. Nadler?
1122 Mr. Nadler. Aye.
1123 Ms. Adcock. Mr. Nadler votes aye.
1124 Ms. Lofgren?
1125 [No response.]
1126 Ms. Jackson Lee?
1127 Ms. Jackson Lee. Aye.
1128 Ms. Adcock. Ms. Jackson Lee votes aye.
1129 Mr. Cohen?
1130 Mr. Cohen. Aye.
1131 Ms. Adcock. Mr. Cohen votes aye.
1132 Mr. Johnson of Georgia?
1133 Mr. Johnson of Georgia. Aye.
1134 Ms. Adcock. Mr. Johnson votes aye.
1135 Mr. Deutch?
1136 Mr. Deutch. Aye.

1137 Ms. Adcock. Mr. Deutch votes aye.
1138 Mr. Gutierrez?
1139 [No response.]
1140 Ms. Bass?
1141 [No response.]
1142 Mr. Richmond?
1143 [No response.]
1144 Mr. Jeffries?
1145 [No response.]
1146 Mr. Cicilline?
1147 [No response.]
1148 Mr. Swalwell?
1149 Mr. Swalwell. Aye.
1150 Ms. Adcock. Mr. Swalwell votes aye.
1151 Mr. Lieu?
1152 Mr. Lieu. Aye.
1153 Ms. Adcock. Mr. Lieu votes aye.
1154 Mr. Raskin?
1155 Mr. Raskin. Aye.
1156 Ms. Adcock. Mr. Raskin votes aye.
1157 Ms. Jayapal?
1158 Ms. Jayapal. Aye.
1159 Ms. Adcock. Ms. Jayapal votes aye.
1160 Mr. Schneider?
1161 Mr. Schneider. Aye.

1162 Ms. Adcock. Mr. Schneider votes aye.

1163 Chairman Goodlatte. The gentleman from Arizona?

1164 Mr. Franks. No.

1165 Ms. Adcock. Mr. Franks votes no.

1166 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

1167 Mr. Poe. No.

1168 Ms. Adcock. Mr. Poe votes no.

1169 Chairman Goodlatte. The gentleman from Texas, Mr.

1170 Gohmert? Oh, okay. The gentleman from Texas, Mr.

1171 Ratcliffe?

1172 Mr. Ratcliffe. No.

1173 Ms. Adcock. Mr. Ratcliffe votes no.

1174 Chairman Goodlatte. Has every member voted who wishes

1175 to vote?

1176 The clerk will report.

1177 Ms. Adcock. Mr. Chairman, 11 members voted aye; 15

1178 members voted no.

1179 Chairman Goodlatte. And the amendment is not agreed

1180 to.

1181 Are there further amendments? For what purpose does

1182 the gentlewoman from Texas seek recognition?

1183 Ms. Jackson Lee. Mr. Chairman, I have an amendment at

1184 the desk.

1185 Chairman Goodlatte. The clerk will report the

1186 amendment.

1187 Ms. Adcock. Amendment to H.R. 1188, offered by Ms.

1188 Jackson Lee of Texas. Add at the end of the bill --

1189 [The amendment of Ms. Jackson Lee follows:]

1190 ***** COMMITTEE INSERT *****

1191 Chairman Goodlatte. Without objection, the amendment
1192 is considered as read and the gentlewoman is recognized for
1193 5 minutes on her amendment.

1194 Ms. Jackson Lee. Thank you very much, Mr. Chairman. I
1195 think it is important to view the amendments of Mr. Conyers
1196 and Mr. Chaffetz and Ms. Jackson Lee as equal in the sense
1197 that we recognize that there is a very high calling to this
1198 legislation and I would not in any way want to dampen or
1199 undermine the importance of this legislation. I was here
1200 when it was first introduced and have been supportive from
1201 the very beginning. But I do believe it is important to
1202 recognize that children are sometimes involved as offenders,
1203 so allow me to read this story.

1204 When Matthew Grottalio was 10 years old, he and his
1205 older brother initiated a touching game with their 8-year-
1206 old sister. "None of us knew what we were doing," he said,
1207 and he soon forgot about the episode. But later that year,
1208 1998, his sister's teacher found out and notified the
1209 authorities. Just weeks after Matthew's 11th birthday, on
1210 that incident, police officers handcuffed him outside his
1211 fifth-grade classroom.

1212 This comes under a headline in the New York Times,
1213 "Punishment That Doesn't Fit the Crime," which I ask
1214 unanimous consent to introduce into the record.

1215 Chairman Goodlatte. Without objection, it will be made

1216 a part of the record.

1217 [The information follows:]

1218 ***** COMMITTEE INSERT *****

1219 Ms. Jackson Lee. Matthew and his parents agreed to a
1220 guilty plea in exchange for 2 years of probation which he
1221 spent in a foster home. His brother also pleaded guilty.
1222 When he returned to his family, they were stunned to learn
1223 that he was listed on the Texas Sex Offender Registry
1224 website, and would be for 10 years. He was just 13 years
1225 old. Neighbors threw a Molotov cocktail at his house and
1226 shot and killed his family's dog. Local newspapers listed
1227 him by name, along with adult sex offender monsters in the
1228 area. He soon hated life and hated everybody else. His
1229 parents' marriage was shattered.

1230 My amendment provides an inquiry through the judicial
1231 system that I believe is both protecting of the underlying
1232 legislation, but is also helpful and instructive to the
1233 juvenile perpetrator engaged.

1234 And so, my amendment, in particular, that I am
1235 offering, because we cannot allow this kind of tragedy which
1236 happens to go forward, is to allow a judicial inquiry, and
1237 to amend the provision that defines which juvenile
1238 adjudications of delinquency qualify as offenses which
1239 trigger mandatory registration. It would add a new
1240 requirement that an adjudication for an otherwise qualifying
1241 offense would trigger the registration requirement only if
1242 the judge presiding over the delinquency proceeding finds
1243 that registration is necessary to protect the public safety.

1244 These are the simple questions that will be asked. The
1245 results of a risk assessment of the offender, the age of
1246 the offender at the time of the offense, the age of the
1247 victim at the time of the offense, the nature of the conduct
1248 that constituted the offense, the offender's potential for
1249 rehabilitation, effective registration on the offender,
1250 victim, family members, and community.

1251 I think this committee, which has oversight over laws
1252 that impact our judiciary and, certainly, are well aware of
1253 the State system and the Federal system recognize the
1254 competency of our judges in most and many instances to be
1255 able to make that inquiry. That, I think, would provide a
1256 fair approach to dealing with this issue of what happens to
1257 the innocence of those who have this situation occur.

1258 In the instance of this young man, his life was
1259 shattered; unable to find work or attend college because his
1260 status was that he was a known sex offender. So I would ask
1261 my colleagues to really consider the idea that we could have
1262 this layer that would do no harm, and I ask my colleagues to
1263 support the Jackson Lee amendment. With that, I yield back.

1264 Chairman Goodlatte. The chair thanks the gentlewoman
1265 and recognizes himself, in opposition to the amendment.

1266 First, that is a compelling and awful story that you
1267 described. However, SORNA does not cover both the age or
1268 the behavior that is mentioned in the incident that you have

1269 recounted, that you have just read. It would be unwise to
1270 delegate registration of violent sexual juvenile offenders
1271 to judges. The goal of the Adam Walsh Act is to create a
1272 nationwide registry to ensure consistency in the way sex
1273 offenses are categorized and offenders are registered. It
1274 also ensures jurisdictions are able to share information
1275 about these dangerous offenders.

1276 Juvenile offenders who commit violent sexual crimes,
1277 such as aggravated sexual abuse, which means both forcible
1278 rape and rendering someone unconscious in order to commit
1279 sexual assault, must be registered. I do not know why
1280 anyone would disagree with that. Making this process
1281 discretionary will set a lower bar for jurisdictions to
1282 meet, with respect to juvenile offenders who have committed
1283 aggravated sexual abuse, which means the public would be
1284 less safe from violent sex offenders.

1285 I think the gentleman from Utah has very well reflected
1286 the difference between the kind of incident that you
1287 described, and the kind that we are concerned make sure get
1288 registered, and why I am pleased that in a bipartisan way we
1289 adopted his amendment. But I am also happy to yield to the
1290 gentleman for his comments on this.

1291 Mr. Chaffetz. I thank the chairman and, chairman, I
1292 think you are right in that the really sad situation that
1293 was laid out by Ms. Jackson Lee does not fit the

1294 qualification, particularly even after the amendment that I
1295 offered that was accepted by the committee.

1296 We cannot give up on these kids in any way, shape, or
1297 form but, at the same time, the scenario that was laid out,
1298 as the chairman stated, would not trigger somebody to be on
1299 this registration, and that is why I think we should vote no
1300 on this amendment. I yield back.

1301 Chairman Goodlatte. For what purpose does the
1302 gentleman from New York seek recognition?

1303 Mr. Nadler. Mr. Chairman, I rise in support of the
1304 gentlelady's amendment.

1305 Chairman Goodlatte. The gentleman is recognized for 5
1306 minutes.

1307 Mr. Nadler. Thank you, and I want to commend her for
1308 authoring it. When you are dealing with sex offenses,
1309 people get properly horrified, but you have to look at the
1310 real-life situation, and you have to allow, as our justice
1311 system generally does, for discretion and for judges making
1312 decisions.

1313 The problem without Ms. Jackson Lee's amendment is that
1314 you have no discretion, and that you can have a situation
1315 such as she described, and probably a lot of such situations
1316 such as she has described, and my understanding is that the
1317 national registry includes automatically the State
1318 registries, and some of the State registries have ages much

1319 below 14, and the definitions of violence would not strike
1320 most people as, in fact, violent. So, you get tragic
1321 situations such as described by Ms. Jackson Lee, and that
1322 results in lifetime sex offender status, which can ruin
1323 people's lives.

1324 So, I think you have to allow for some human discretion
1325 in these cases, and that is why we have judges. And if the
1326 judges are not proper, get better judges. But you have to
1327 allow for some human discretion or you are going to get a
1328 lot of very horrible situations, and destroy people's lives
1329 for things that were done at 12 or 13 years old or even 15
1330 that should not destroy someone's life, especially if it is
1331 not so terrible, which under some State laws, it is not,
1332 even though they are then covered in the Federal registry.

1333 So I urge my colleagues to approve the gentlelady's
1334 amendment because there has to be some human judgment and
1335 some humanity in our laws. I yield back.

1336 Mr. Chaffetz. Will the gentleman yield?

1337 Mr. Nadler. Sure.

1338 Mr. Chaffetz. Two points I would just like to make.

1339 The amendment that we did accept earlier puts that
1340 threshold, again, dealing with minors here; for those that
1341 use force, a threat of force, drug a victim, or render them
1342 unconscious while leaving off the others that may be
1343 certainly less, in terms of their intent and severity.

1344 But I would also point out that the gentlewoman from
1345 Texas offered, and we did accept to this bill, a reporting
1346 requirement from the National Institutes of Justice to
1347 prepare and submit to Congress a report on the public safety
1348 that the recidivism, the collateral consequences.

1349 Mr. Nadler. Reclaiming my time. I appreciate the
1350 gentleman's observation, and it is a good idea to have a
1351 reporting requirement, but a reporting requirement is not
1352 sufficient to deal with this problem, number one. And when
1353 you say we accepted an amendment for it, there has to be a
1354 force and a threat of force. That can be interpreted.

1355 It has been, in many cases, as minimal as some 12-year-
1356 old kid punching somebody or threatening to punch somebody.
1357 And that should not result in a lifetime bar from all kinds
1358 of things; from going to college or whatever. So, again, I
1359 do not care how you write it. There has got to be some
1360 human discretion. You have got to trust judges, to some
1361 extent, and that is why I support the gentlelady's
1362 amendment. I yield back.

1363 Mr. Chaffetz. If the gentleman will yield for one more
1364 point. He cited a 12-year-old.

1365 Mr. Nadler. Yielded back, but reclaiming my time, if
1366 the chairman will agree. I will be happy to yield.

1367 Chairman Goodlatte. Go ahead.

1368 Mr. Chaffetz. I believe the age requirement is 14

1369 years old, so the two examples that we have had as
1370 hypotheticals, none of which fit.

1371 Mr. Nadler. Reclaiming my time. A 14-year-old;
1372 everything you said about a 12-year-old, I would say about a
1373 14-year-old.

1374 Chairman Goodlatte. Does the gentleman yield back?

1375 Mr. Nadler. I yield back.

1376 Chairman Goodlatte. A question occurs on the amendment
1377 offered by the gentlewoman from Texas.

1378 All those in favor, respond by saying aye.

1379 Those opposed, no.

1380 In the opinion of the chair, the noes have it. The
1381 amendment is not agreed to.

1382 Ms. Jackson Lee. Roll call vote, Mr. Chairman.

1383 Chairman Goodlatte. A roll call vote is requested, and
1384 the clerk will call the roll.

1385 Ms. Adcock. Mr. Goodlatte?

1386 Chairman Goodlatte. No.

1387 Ms. Adcock. Mr. Goodlatte votes no.

1388 Mr. Sensenbrenner?

1389 Mr. Sensenbrenner. No.

1390 Ms. Adcock. Mr. Sensenbrenner votes no.

1391 Mr. Smith?

1392 Mr. Smith. No.

1393 Ms. Adcock. Mr. Smith votes no.

1394 Mr. Chabot?
1395 Mr. Chabot. No.
1396 Ms. Adcock. Mr. Chabot votes no.
1397 Mr. Issa?
1398 Mr. Issa. No.
1399 Ms. Adcock. Mr. Issa votes no.
1400 Mr. King?
1401 [No response.]
1402 Mr. Franks?
1403 [No response.]
1404 Mr. Gohmert?
1405 [No response.]
1406 Mr. Jordan?
1407 [No response.]
1408 Mr. Poe?
1409 [No response.]
1410 Mr. Chaffetz?
1411 Mr. Chaffetz. No.
1412 Ms. Adcock. Mr. Chaffetz votes no.
1413 Mr. Marino?
1414 Mr. Marino. No.
1415 Ms. Adcock. Mr. Marino votes no.
1416 Mr. Gowdy?
1417 Mr. Gowdy. No.
1418 Ms. Adcock. Mr. Gowdy votes no.

1419 Mr. Labrador?
1420 [No response.]
1421 Mr. Farenthold?
1422 [No response.]
1423 Mr. Collins?
1424 [No response.]
1425 Mr. DeSantis?
1426 Mr. DeSantis. No.
1427 Ms. Adcock. Mr. DeSantis votes no.
1428 Mr. Buck?
1429 Mr. Buck. No.
1430 Ms. Adcock. Mr. Buck votes no.
1431 Mr. Ratcliffe?
1432 Mr. Ratcliffe. No.
1433 Ms. Adcock. Mr. Ratcliffe votes no.
1434 Ms. Roby?
1435 [No response.]
1436 Mr. Gaetz?
1437 [No response.]
1438 Mr. Johnson of Louisiana?
1439 Mr. Johnson of Louisiana. No.
1440 Ms. Adcock. Mr. Johnson votes no.
1441 Mr. Biggs?
1442 Mr. Biggs. No.
1443 Ms. Adcock. Mr. Biggs votes no.

1444 Mr. Conyers?
1445 Mr. Conyers. Aye.
1446 Ms. Adcock. Mr. Conyers votes aye.
1447 Mr. Nadler?
1448 Mr. Nadler. Aye.
1449 Ms. Adcock. Mr. Nadler votes aye.
1450 Ms. Lofgren?
1451 [No response.]
1452 Ms. Jackson Lee?
1453 Ms. Jackson Lee. Aye.
1454 Ms. Adcock. Ms. Jackson Lee votes aye.
1455 Mr. Cohen?
1456 Mr. Cohen. Aye
1457 Ms. Adcock. Mr. Cohen votes aye.
1458 Mr. Johnson of Georgia?
1459 Mr. Johnson of Georgia. Aye.
1460 Ms. Adcock. Mr. Johnson votes aye.
1461 Mr. Deutch?
1462 Mr. Deutch. Aye.
1463 Ms. Adcock. Mr. Deutch votes aye.
1464 Mr. Gutierrez?
1465 [No response.]
1466 Ms. Bass?
1467 [No response.]
1468 Mr. Richmond?

1469 [No response.]

1470 Mr. Jeffries?

1471 [No response.]

1472 Mr. Cicilline?

1473 Mr. Cicilline. Aye.

1474 Ms. Adcock. Mr. Cicilline votes aye.

1475 Mr. Swalwell?

1476 Mr. Swalwell. No.

1477 Ms. Adcock. Mr. Swalwell votes no.

1478 Mr. Lieu?

1479 Mr. Lieu. Aye.

1480 Ms. Adcock. Mr. Lieu votes aye.

1481 Mr. Raskin?

1482 [No response.]

1483 Ms. Jayapal?

1484 Ms. Jayapal. Aye.

1485 Ms. Adcock. Ms. Jayapal votes aye.

1486 Mr. Schneider?

1487 Mr. Schneider. Aye.

1488 Ms. Adcock. Mr. Schneider votes aye.

1489 Chairman Goodlatte. The gentlewoman from Alabama?

1490 Ms. Roby. No.

1491 Ms. Adcock. Ms. Roby votes no.

1492 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

1493 Mr. Poe. No.

1494 Ms. Adcock. Mr. Poe votes no.

1495 Chairman Goodlatte. The gentleman from Texas, Mr.

1496 Gohmert?

1497 Mr. Gohmert. No.

1498 Ms. Adcock. Mr. Gohmert votes no.

1499 Chairman Goodlatte. The gentleman from Maryland, Mr.

1500 Raskin?

1501 Mr. Raskin. Aye.

1502 Ms. Adcock. Mr. Raskin votes aye.

1503 Chairman Goodlatte. Has every member voted who wishes

1504 to vote? The clerk will report.

1505 Ms. Adcock. Mr. Chairman, 11 members voted aye; 17

1506 members voted no.

1507 Chairman Goodlatte. And the amendment is not agreed

1508 to.

1509 Ms. Jackson Lee. Mr. Chairman.

1510 Chairman Goodlatte. For what purpose does the

1511 gentlewoman from Texas seek recognition?

1512 Ms. Jackson Lee. Just a moment of personal privilege.

1513 He probably will not come back in the room, but since he is

1514 my constituent, I wanted to acknowledge Carl Lewis who has

1515 done a lot on the issues of athletics and young people, and

1516 so, in his absence, he was here listening to the debate and,

1517 as you well know, he is a renowned Olympian, and still doing

1518 great work in Houston now with the University of Houston.

1519 Chairman Goodlatte. Well, I am sorry we did not know
1520 that while he was here. I hope he does come back. We
1521 certainly will acknowledge him, and we thank you for
1522 bringing that to our attention. We thank him for his good
1523 work in this area.

1524 Ms. Jackson Lee. Thank you. I yield back.

1525 Chairman Goodlatte. The question occurs. Well,
1526 actually, there are no more amendments.

1527 A reporting quorum being present, a question is on the
1528 motion to report the bill H.R. 1188 as amended favorably to
1529 the House.

1530 Those in favor will say aye.

1531 Those opposed, no.

1532 The ayes have it, and the bill is ordered reported
1533 favorably. Members will have 2 days to submit views.
1534 Without objection, the bill will be reported as a single
1535 amendment in the nature of a substitute incorporating all
1536 adopted amendments, and staff is authorized to make
1537 technical and conforming changes.

1538 The committee will return to H.R. 695, the Child
1539 Protection Improvement Act of 2017. Before the committee
1540 recessed, this bill had been completed and the previous
1541 question ordered. The question occurs on passage of H.R.
1542 695.

1543 All those in favor, respond by saying aye.

1544 Those opposed, no.

1545 The ayes have it, and the bill is ordered reported
1546 favorably. Members will have 2 days to submit views.

1547 Without objection, the bill will be reported as a
1548 single amendment in the nature of a substitute,
1549 incorporating all adopted amendments, and the staff is
1550 authorized to make technical and conforming changes.

1551 Prior to the recess of the committee, the committee
1552 also considered H.R. 883; the Targeting Child Predators Act
1553 of 2017, for which the previous question was ordered, and
1554 the question now occurs on reporting the bill. A reporting
1555 quorum being present, the question is on the motion to
1556 report the bill H.R. 883 favorably to the House.

1557 All those in favor, respond by saying aye.

1558 Those opposed, no.

1559 Opinion of the chair, the ayes have it. The bill is
1560 ordered reported favorably. Members will have two 2 to
1561 submit views.

1562 Pursuant to notice, I now call up H.R. 1393 for
1563 purposes of markup and move that the committee report the
1564 bill favorably to the House. The clerk will report the
1565 bill.

1566 Ms. Adcock. H.R. 1393. To limit the authority of
1567 States to tax certain income of employees for employment
1568 duties performed in other States.

1569 [The bill follows:]

1570 ***** INSERT 4 *****

1571 Chairman Goodlatte. Without objection, the bill is
1572 considered as read and open for amendment at any time. I
1573 will begin by recognizing myself for an opening statement.

1574 A Mobile Workforce State Income Tax Simplification Act
1575 provides a clear, uniform framework for when States may tax
1576 nonresident employees who travel to the taxing State to
1577 perform work.

1578 In particular, this bill prevents States from imposing
1579 income tax compliance burdens on nonresidents who work in a
1580 foreign state for 30 days or less in a year. The State tax
1581 laws that determine when a nonresident must pay a foreign
1582 state's income tax and when employers must withhold this tax
1583 are numerous and varied. Some States tax income earned
1584 within their borders by nonresidents, even if the employee
1585 only works in the State for just one day. These complicated
1586 rules impact everyone who travels for work and many
1587 industries.

1588 As just one example, the judiciary committee heard
1589 testimony in 2015 that the patchwork of State laws resulted
1590 in a manufacturing company issuing 50 W-2s to a single
1591 employee for a single year. The company executive also
1592 noted regarding the compliance burden that, "Many of our
1593 affected employees make less than \$50,000 per year, and have
1594 limited resources to seek professional advice."

1595 States generally allow a credit for income taxes paid

1596 to another State. However, it is not always dollar for
1597 dollar when local taxes are factored in. Credits also do
1598 not relieve workers of the substantial paperwork burdens.

1599 There are substantial burdens on employers as well.
1600 The committee heard testimony in 2014 that businesses,
1601 including small businesses, that operate interstate are
1602 subject to significant regulatory burdens with regard to
1603 compliance with nonresident State income tax withholding
1604 laws. These burdens distract from productive activity and
1605 job creation.

1606 Nevertheless, some object that the States will lose
1607 revenue if the bill is enacted. However, an analysis from
1608 Ernst & Young found that the bill's revenue impact is
1609 minimal. There is little motive for fraud and gaming
1610 because the amount of money at issue, taxes on 30 days'
1611 wages or less, is minimal. Also the income tax generally
1612 has to be paid.

1613 The question is merely, to whom? Nor does this bill
1614 violate federalism principles. On the contrary. It is an
1615 exercise of Congress's Commerce Clause authority in
1616 precisely the situation for which it was intended. The
1617 Supreme Court has explained that the Commerce Clause was
1618 informed by structural concerns about the effects of State
1619 regulation on the national economy. Under the Articles of
1620 Confederation, State taxes and duties hindered and

1621 suppressed interstate commerce. The Framers intended the
1622 Commerce Clause as a cure for these structural ills.

1623 This bill that fits squarely within this authority by
1624 bringing uniformity to cases of de minimis presence by
1625 interstate workers in order to reduce compliance costs.
1626 Last year's version of the bill passed the House on
1627 suspension by voice vote.

1628 This year's version is nearly identical with two
1629 substantive changes; the professional entertainer exemption
1630 is narrowed from a person who performs services to a person
1631 of prominence who performs services in order to ensure that
1632 other entertainers retain the benefit of the bill's
1633 protections.

1634 Second, the list of exclusions is expanded to cover
1635 film production employees if associated tax credits for in-
1636 State productions are contingent on withholding film
1637 production wages earned in the State. This avoids
1638 disruption of such arrangements. I commend the bill's lead
1639 sponsors, Representatives Bishop and Johnson, and thank all
1640 of the bill's cosponsors. I urge the bill's passage, and
1641 reserve the balance of my time.

1642 Ms. Jackson Lee. Mr. Chairman.

1643 Chairman Goodlatte. For what purpose does the
1644 gentlewoman from Texas seek recognition?

1645 Ms. Jackson Lee. Mr. Chairman, you were so kind to say

1646 that if Mr. Lewis returned.

1647 Chairman Goodlatte. We are going to suspend our
1648 discussion.

1649 Ms. Jackson Lee. I am so sorry. You were kind enough
1650 to say that, if Mr. Carl Lewis and his team returned, since
1651 I claim him now as my constituent, that you would allow him
1652 to stand and be introduced with his team, and since we are
1653 discussing the issues of juveniles in this Nation, I want to
1654 acknowledge that he is a very vibrant, vocal, vigorous
1655 advocate for fitness, but more importantly, working with
1656 young people across the Nation and still holding Olympic
1657 records, of which we applaud him. My friend, my
1658 constituent, Carl Lewis.

1659 Chairman Goodlatte. Mr. Lewis, we thank you for
1660 gracing us with your presence and for, more importantly,
1661 your interest in these issues and the work you do with
1662 America's youth. Thank you very much.

1663 Ms. Jackson Lee. Mr. Conyers, you wanted to say
1664 something?

1665 Chairman Goodlatte. The line starts out in the
1666 hallway.

1667 Mr. Conyers. Mr. Chairman?

1668 Chairman Goodlatte. For what purpose does the
1669 gentleman from Michigan seek recognition?

1670 Mr. Conyers. I arise to strike the requisite number of

1671 words.

1672 Mr. Chairman Goodlatte. The gentleman is recognized
1673 for 5 minutes.

1674 Mr. Conyers. Thank you very much.

1675 The Mobile Workforce State Income Tax Simplification
1676 Act: it is a troublesome difficulty here because it attempts
1677 to solve a logical and legitimate problem presented by
1678 employee tax liability and employer withholding
1679 requirements.

1680 Many, as you know, employers are subject to multiple
1681 tax compliance recordkeeping requirements for their mobile
1682 workers. These workers are often subject to potentially
1683 conflicting and confusing multiple State income tax
1684 requirements, and the paperwork for both employers and
1685 employees are complicated and time consuming.

1686 Filings, even for miniscule amounts of income, can be
1687 burdensome to State revenue departments. Unfortunately,
1688 H.R. 1393, if enacted, could result in some States losing
1689 millions of dollars in revenue. In fact, New York could
1690 lose an amount so large, I do not want to destabilize my
1691 colleague that is sitting on the dais with me.

1692 Fortunately, this legislation only needs some simple
1693 changes to eliminate these negative impacts. For example,
1694 the bill currently has a 30-day threshold before an employee
1695 would be required to pay income taxes in a State. A much

1696 lower threshold would be fair to the States and still
1697 provide certainty to employers and employees alike. In
1698 addition, the bill's timekeeping requirements could be
1699 tightened to help prevent tax avoidance.

1700 A solution appears to potentially close and,
1701 accordingly, I look forward to working with my colleagues
1702 and the various stakeholders to finally achieve this goal.

1703 I would be remiss if I did not take this opportunity to
1704 urge my colleagues to pass a fair and uniform framework to
1705 allow States to collect taxes owed on remote sales, rather
1706 than proceed with this flawed bill, in my view. By staying
1707 silent since the Quill decision by the Supreme Court in
1708 1992, Congress, we have failed to ensure that States have
1709 the authority to collect sales and use tax on internet
1710 purchases.

1711 While this decision may have made sense in 1992, it has
1712 not stood up well over time. In 2015 alone, \$26 billion
1713 owed to States went uncollected. Lost tax revenues mean
1714 that State and local governments will have fewer resources
1715 to provide their residents essential services such as
1716 education and health care.

1717 This Congress, House republicans are advancing both
1718 TrumpCare and a disastrous budget that would cut untold
1719 amounts of Federal assistance to the States. In light of
1720 these looming funding cuts, the loss of billions of dollars

1721 in State revenue is more pressing than ever, and so this
1722 committee should move swiftly to close the internet tax
1723 loophole by passing legislation this Congress, if possible.

1724 I thank the chairman, and I commend my considerations
1725 to the entire committee. I yield back.

1726 Mr. Chairman Goodlatte. The chair thanks the
1727 gentleman. For what purpose does the gentleman from New
1728 York seek recognition?

1729 Mr. Nadler. Strike the last work.

1730 Mr. Chairman Goodlatte. The gentleman is recognized
1731 for 5 minutes.

1732 Mr. Nadler. Thank you, Mr. Chairman. In your opening
1733 remarks supporting the bill, you said that this bill would
1734 have minimal fiscal impact on the States. I do not know
1735 what minimal means, but for New York, it would be well over
1736 \$100 million. That is not minimal.

1737 We reported, I think, last year a bill -- I mean, New
1738 York, we feel like a punching bag. We reported a bill last
1739 year on foreign collections that would have cost New York
1740 State about, as I recall, \$600 million.

1741 Now, we have an amendment to the Healthcare Act that
1742 the Republicans are pushing. The Healthcare Act itself
1743 would cost New York State about \$4.6 billion, and this
1744 manager's amendment would deal with another \$2.3 billion.
1745 So, these minimal things add up, and while I do not question

1746 the right of Congress under the Interstate Commerce Clause
1747 to regulate this, as this bill proposes, not every right
1748 should be exercised.

1749 This bill would harm New York considerably. It might
1750 harm other States, too. I will offer two amendments in the
1751 nature that would mitigate the harm, but it is substantially
1752 harmful, and there is no good reason, especially in this
1753 modern age of electronics and computers, why we should
1754 suddenly reign in the States from what they have been doing
1755 and what the business community has been tolerating for a
1756 very long time.

1757 The Federal Government should not get in the way of the
1758 States collecting their own revenues, except when absolutely
1759 necessary. I yield back.

1760 Mr. Johnson of Georgia. Mr. Chairman?

1761 Mr. Chairman Goodlatte. For what purpose does the
1762 gentleman from Georgia seek recognition?

1763 Mr. Johnson of Georgia. Move to strike the last word.

1764 Mr. Chairman Goodlatte. The gentleman is recognized
1765 for 5 minutes. I recognized the gentleman from Georgia.
1766 The gentleman from Rhode Island is the ranking member on the
1767 subcommittee.

1768 We are going to go to the senior gentleman from Georgia
1769 on the full committee and recognize him for 5 minutes.

1770 Mr. Johnson of Georgia. Thank you, Mr. Chairman. I

1771 would like to thank this committee for, once again,
1772 considering H.R. 1393, the Mobile Workforce State Income Tax
1773 Simplification Act of 2017. I am pleased to lead this
1774 important bipartisan bill with our Ways and Means colleague,
1775 Representative Bishop.

1776 H.R. 1393 will help workers and small businesses across
1777 the country. States currently have varying standards for
1778 employees to file personal income tax when working out of
1779 State and for employers to withhold income tax for workers
1780 who travel out of State.

1781 H.R. 1393 would provide an easy-to-administer standard
1782 that simplifies the patchwork of existing inconsistent and
1783 confusing State rules. It does this by establishing a
1784 uniform and fair law that ensures the correct amount of
1785 taxes withheld and paid to the States, without over
1786 burdening employees or their employers.

1787 Take my home State of Georgia as an example. Acuity
1788 Brands is a Georgia-based company with facilities around the
1789 country that employs over 4,000 associates nationwide,
1790 associates who travel extensively across the country for
1791 training, conferences, and other business. Acuity is one of
1792 many companies that have expressed their support for H.R.
1793 1393 because the bill limits the substantial operational and
1794 administrative burdens on the company by bringing clarity
1795 and simplicity to our complex tax system, specifically on

1796 the issue of what constitutes work travel and work days for
1797 tax purposes.

1798 I would like to ask unanimous consent to enter into the
1799 record Acuity Brands' letter in support of the bill, as well
1800 as a list of 82 companies with a Georgia presence, which are
1801 in support of this reform effort. Many of these companies
1802 have a national brand and provide thousands of jobs, such as
1803 Costco, Apple, Lockheed Martin, and Walmart.

1804 In addition to working to make sure this is a
1805 bipartisan bill, we have also taken steps to ensure the text
1806 is cognizant of shifting State tax policies and industry
1807 needs. For example, because over 37 States have passed film
1808 tax incentive programs, so as to encourage the film industry
1809 to produce films in less traditional markets, we have added
1810 language to the bill that would exclude qualified production
1811 employees in the film, television, and video production
1812 industry. Atlanta is a growing film and TV hub, and this
1813 update allows for States like Georgia and New York with film
1814 tax incentives to rely on those revenues for qualified
1815 employees.

1816 I thank my colleagues for their work on this bill and,
1817 in particular, my friend, Congressman Bishop, for his
1818 leadership on this bill in this Congress.

1819 In closing, I urge my colleagues to support H.R. 1393,
1820 and with that, I yield back.

1821 Mr. Chairman Goodlatte. The chair thanks this
1822 gentleman for his good work on this legislation, and with
1823 apologies to the ranking member of the Subcommittee on
1824 Regulatory Reform, I now recognize the gentleman from Rhode
1825 Island for 5 minutes.

1826 Mr. Cicilline. Thank you, Mr. Chairman.

1827 H.R. 1393, the Mobile Workforce State Income Tax
1828 Simplification Act would establish a uniform standard of the
1829 collection of State income tax for nonresident employees.
1830 This bill addresses a widespread problem of collection of
1831 income taxes for these employees who travel outside their
1832 State of residence for work.

1833 While every employee must file State and Federal income
1834 tax returns, employees who travel for work may also have to
1835 file an income tax return for every State in which they
1836 travel. That is because of a patchwork of complex laws that
1837 apply to personal income tax reporting and withholding in 43
1838 different States and the District of Columbia.

1839 Some of these States require personal income tax
1840 withholding by nonresidents once an employee has worked in a
1841 State for a certain number of days. Maine, for example,
1842 does not require tax withholding until an employee has
1843 worked within the State for at least 13 days. Other States,
1844 however, require personal income tax withholding based on
1845 the amount of income earned within the State for a calendar

1846 year.

1847 Oklahoma, for instance, requires withholding once an
1848 employee has earned \$300 on a quarterly basis, and seven
1849 States do not collect income taxes at all.

1850 While I respect the autonomy of States to tax income
1851 within their borders, concerns have been raised by both
1852 supporters and opponents of this bill that there is
1853 widespread noncompliance with these divergent laws because
1854 it is difficult, and probably impractical, to effectively
1855 comply with the current system. Where employers do comply
1856 with these widely-divergent standards, the cost of
1857 compliance for both businesses and employees can be
1858 staggering. I am a cosponsor of H.R. 1393 for precisely
1859 this reason.

1860 By establishing a uniform and fair threshold for
1861 nonresident income taxation, this legislation will
1862 meaningfully improve compliance, relieve administrative
1863 burdens, and give workers a fair deal by ensuring that the
1864 primary place of business is where they pay their State
1865 income taxes. Some opponents of this legislation have
1866 expressed concerns that establishing a uniform national
1867 standard will diminish State income taxes in certain States,
1868 but estimates by the accounting firm of Ernst & Young
1869 indicate that the bill's net impact on State tax revenue
1870 would be less than one one-hundredth of 1 percent.

1871 Accordingly, some States will receive higher revenues, while
1872 other States will lose revenue.

1873 The Congressional Budget Office agreed with this
1874 assessment in its cost estimate of a substantially similar
1875 version of the bill that passed the House by voice vote last
1876 year.

1877 For example, according to Ernst & Young, passing this
1878 bill will result in more than \$3 million in additional
1879 revenue for Rhode Island, my home State, but most
1880 importantly, it will ease compliance burdens for all Rhode
1881 Islanders. And that is why the Rhode Island Society of
1882 Certified Public Accountants, along with 34 businesses with
1883 a presence in Rhode Island, including CVS Health, support
1884 this legislation.

1885 So, I will ask unanimous consent to have a letter from
1886 the American Institute of CPAs dated March 16th, expressing
1887 support for the bill and indicating that this simplified
1888 compliance will significantly ease the regulatory burden on
1889 the employer and should enhance compliance when withholding
1890 as required.

1891 I ask that that be included in the record, as well as
1892 the list of 35 States that support the legislation doing
1893 business in Rhode Island.

1894 Mr. Chairman Goodlatte. Without objection, it will be
1895 made a part of the record.

1896 [The information follows:]

1897 ***** COMMITTEE INSERT *****

1898 Mr. Cicilline. In closing, I want to thank my
1899 colleague, Congressman Johnson, for his leadership on this
1900 bill, as its lead sponsor in the 110th Congress and 111th
1901 Congress's and the lead Democratic sponsor since the 112th
1902 Congress.

1903 And with that, I thank the chairman and yield back.

1904 Mr. Chairman Goodlatte. The chair thanks the gentleman
1905 and advises the committee that there are three votes pending
1906 on the floor with approximately 6 minutes remaining in the
1907 first vote. The committee will reconvene immediately after
1908 the last vote in this series to complete this legislative
1909 measure, and the committee stands in recess.

1910 [Recess.]

1911 Chairman Goodlatte. The committee will reconvene.

1912 When the committee recessed, we were considering
1913 amendments to H.R. 1393. Are there any amendments?

1914 Mr. Nadler. Mr. Chairman?

1915 Chairman Goodlatte. For what purpose does the
1916 gentleman from New York seek recognition?

1917 Mr. Nadler. I have two amendments, but take one of
1918 them.

1919 Chairman Goodlatte. All right.

1920 The clerk will report a Nadler amendment.

1921 Ms. Adcock. Amendment to H.R. 1393 offered by Mr.

1922 Nadler of New York. Page 2, line 10 --

1923 [The amendment of Mr. Nadler follows:]

1924 ***** COMMITTEE INSERT *****

1925 Chairman Goodlatte. Without objection, the amendment
1926 is considered at read, and the gentleman is recognized for 5
1927 minutes on his amendment.

1928 Mr. Nadler. Thank you. Mr. Chairman, this legislation
1929 represents a major assault in the sovereignty of States and
1930 does particular damage to my home State of New York,
1931 depriving it of more than \$100 million of its own tax
1932 revenue.

1933 My amendment, which I am offering along with the
1934 gentleman from New York, Mr. Jeffries, would reduce 30 days
1935 to 14 days, the threshold under this bill for when a State
1936 can tax a non-resident doing business in that State. This
1937 minor change alone would lessen the impact on New York by as
1938 much as \$85 million.

1939 Simplifying and harmonizing the rules on when States
1940 may tax individuals who perform limited work in their States
1941 is a worthy goal, and I support efforts by the States and
1942 the Multistate Tax Commission to resolve this issue. New
1943 York has been an active participant in this negotiations,
1944 and wants to reach a fair solution. But imposing a solution
1945 upon States, and one that would cause such a large financial
1946 burden on a particular State, is clearly not the proper
1947 answer.

1948 The power to tax is a key index of sovereignty, and
1949 this legislation would prohibit States from taxing activity

1950 within their own borders, within their own borders, except
1951 as described in the bill. I think that is constitutionally
1952 dubious. Although I take a broad view of the Commerce
1953 Clause, I do not think that it extends to a State's ability
1954 to tax a person doing business solely within its borders.

1955 This bill is also deeply troubling as a matter of
1956 policy. Under this legislation, if you work in a State in
1957 which you are not a resident for fewer than 30 days, your
1958 income will not be subject to tax by that non-resident
1959 State. The 30 days amounts to 6 weeks of 5-day work weeks.
1960 While de minimis exception might be defensible, I hardly
1961 think that 6 weeks is de minimis.

1962 In some States, a 30-day threshold might not have a
1963 great fiscal impact. But New York State is home to New York
1964 City, the Nation's center of commerce, which also sits
1965 across the river from New Jersey and just 12 miles from
1966 Connecticut. This makes New York a major destination for
1967 out-of-state business travelers and makes it, by far, the
1968 hardest-hit State under this bill.

1969 At this time, I ask unanimous consent to enter into the
1970 record a letter from New York State Department of Taxation
1971 and Finance, estimating the State would lose between \$95 and
1972 \$120 million as a result of this bill.

1973 Chairman Goodlatte. Without objection, it will be made
1974 part of the record.

1975 [The information follows:]

1976 ***** COMMITTEE INSERT *****

1977 Mr. Nadler. Thank you. This enormous financial loss
1978 would come at a time that the President and the Republicans
1979 in Congress are proposing to shift significant
1980 responsibilities to the States, while simultaneously
1981 slashing Federal assistance.

1982 In a particularly outrageous move, the manager's
1983 amendment to the TrumpCare, RyanCare bill would saddle New
1984 York State with billions of dollars in additional Medicaid
1985 costs, so that upstate counties can give their residents a
1986 property tax cut.

1987 If we further deprive New York of \$100 million under
1988 this bill, vital services like education, law enforcement,
1989 and health care could all be on the chopping block. The
1990 results could be catastrophic. My amendment, therefore,
1991 attempts to contain at least some of this damage, to
1992 mitigate the damage. It would reduce the bill's 30-day
1993 threshold to a far more reasonable 14 days, which is still
1994 almost 3 weeks of work that someone might perform in New
1995 York without being subject to New York taxes.

1996 If employers and employees would be expected to monitor
1997 and track their time over 30 days, it does not seem like a
1998 greater imposition to do so for a somewhat shorter period,
1999 like 14 days.

2000 With my amendment, the expected impact to New York
2001 would be reduced from more than \$100 million to \$12 million

2002 to \$15 million a year. While still a significant revenue
2003 loss, this change would go a long way toward mitigating the
2004 concerns that New Yorkers expressed, and 14 days not taxed,
2005 almost 3 weeks, should be enough for the supporters of this
2006 bill.

2007 This is a reasonable amendment, made in good faith,
2008 that would make the bill much fairer, while still achieving
2009 the bill's underlying goals. I urge adoption of the
2010 amendment, and I yield back the balance of my time.

2011 Chairman Goodlatte. The chair thanks the gentleman and
2012 recognizes himself in opposition to the amendment.

2013 This amendment would lower the threshold from 30 days
2014 to 14 days before a State can tax the income of a
2015 nonresident temporarily working in a foreign state. This
2016 reduction upsets a hard-won compromise. Prior versions of
2017 the bill proposed a 60-day threshold. As a product of
2018 negotiation with the States, that trigger was reduced to 30
2019 days, and other concessions were made.

2020 The fact of the matter is that, while this amendment
2021 would benefit New York and many people are required to go to
2022 New York for the opportunity to conduct business, it would
2023 take revenue away from the other States in which those
2024 businesses are based. Lowering the threshold to 14 days
2025 would sweep in millions of employees, who would otherwise be
2026 protected, and require significant renegotiation of the

2027 entire bill.

2028 Interestingly, in 2014, New York specifically rejected
2029 a proposal to increase its threshold from 1 day to 14. This
2030 only underscores the need for a uniform Federal solution,
2031 and I urge my colleagues to oppose this amendment because it
2032 would upset a fair, negotiated compromise.

2033 Mr. Conyers. Mr. Chairman?

2034 Chairman Goodlatte. For what purpose does the
2035 gentleman from Michigan seek recognition?

2036 Mr. Conyers. I rise in support of the amendment.

2037 Chairman Goodlatte. The gentleman is recognized for 5
2038 minutes.

2039 Mr. Conyers. I just want to say that this is certainly
2040 not unfair. I think it is a commonsense, fair amendment. I
2041 think 14 days will still provide certainty that supporters
2042 demand. To me, it is a win-win situation, so I hope my
2043 colleagues will think carefully about this Nadler amendment
2044 and I yield to the gentleman from New York.

2045 Mr. Nadler. I thank the gentleman for yielding and I
2046 thank the gentleman for supporting the bill. I just want to
2047 comment on what the chairman said a moment ago. The fact
2048 that an earlier version of the bill or the concept had 60
2049 days, the fact that you had one egregious proposal and it is
2050 a little less egregious, does not make it acceptable. The
2051 fact that this is a compromise reached by certain people not

2052 including New York, which never agreed to it, does not make
2053 it fair. Fourteen days is more fair and a tremendous hit on
2054 revenue for New York, and some other States too, but New
2055 York more than anybody else. It is not fair given the fact
2056 that this is revenue earned entirely within New York.

2057 Again, I urge the adoption of this amendment. I yield back.

2058 Chairman Goodlatte. The question occurs on the
2059 amendment offered by the gentleman from New York.

2060 All those in favor, respond by saying aye.

2061 Those oppose, no.

2062 In the opinion of the chair, the noes have it. The
2063 amendment is not agreed to.

2064 Are there further amendments? The gentleman --

2065 Mr. Nadler. As I said, I have two amendments. I have
2066 the second one at the desk.

2067 Chairman Goodlatte. The clerk will report Nadler
2068 amendment, other.

2069 Ms. Adcock. Amendment to H.R. 1393, offered by Mr.
2070 Nadler of New York. Page 4, line 20, insert "highly-paid
2071 individual" --

2072 [The amendment of Mr. Nadler follows:]

2073 ***** COMMITTEE INSERT *****

2074 Chairman Goodlatte. Without objection, the amendment
2075 is considered as read and the gentleman is recognized for 5
2076 minutes on his amendment.

2077 Mr. Nadler. I thank the chairman. Mr. Chairman, this
2078 amendment, which is also cosponsored by the gentleman from
2079 New York, Mr. Jeffries, would exempt from the bill highly
2080 paid individuals.

2081 H.R. 1393 already exempts professional athletes,
2082 certain public figures, and professional entertainers. My
2083 amendment would simply add high-earning individuals to this
2084 list of exemptions. The figure of \$130,000 to define high-
2085 earning individuals that my amendment uses comes from the
2086 definition the IRS uses to determine whether someone is a
2087 "key employee" for certain purposes related to retirement
2088 benefits, and it would be indexed for inflation going
2089 forward.

2090 The rationale behind the exemptions already contained
2091 in the bill is that it is fairly easy to track what the
2092 people in those fields earned in each State. Highly-paid
2093 individuals, presumably working for sophisticated
2094 operations, also ought to be expected to have the ability to
2095 track where they perform their business and how much they
2096 earned in each State, and since they are well-compensated,
2097 severely limiting the ability of States to tax their
2098 business activity may have a significant budget impact on

2099 the States.

2100 In addition, as currently drafted, this legislation
2101 would provide a windfall to high-income people, who often
2102 travel to other States for work. Imagine an executive who
2103 lives in a low-tax State, but who travels for business
2104 several weeks a year to a higher-tax State and owes taxes to
2105 that other State. Their home State often offers a credit up
2106 to what they would pay in their home State, but they are
2107 still responsible for paying the additional higher rate in
2108 the nonresident State.

2109 Under this bill, however, if they work fewer than 6
2110 weeks in the higher-tax State, those additional taxes would
2111 all be wiped away. This could amount to tax avoidance of
2112 millions of dollars, which is not the purpose of this bill,
2113 as I understand it. Placing a dollar limit so that people
2114 who make over \$130,000, indexed for inflation going forward,
2115 would still be subject to nonresident tax would prevent
2116 abuse by upper-income people who may try to find loopholes
2117 to avoid their tax obligations.

2118 This is a simple amendment that should cause minimal
2119 disruption to businesses and to individuals, while limiting
2120 revenue loss to the States and ensuring that highly-paid
2121 people pay their fair share.

2122 I urge my colleagues to support it, and I yield back
2123 the balance of my time.

2124 Chairman Goodlatte. The chair thanks the gentleman and
2125 recognizes himself in opposition to the amendment.

2126 First, without objection, I would like to include
2127 letters of support for H.R. 1393 in the markup materials
2128 from entities including the following: American Institute of
2129 Certified Public Accountants; American Payroll Association;
2130 Council on State Taxation; Feld Entertainment, Incorporated;
2131 Mobile Workforce Coalition; World at Work; and Acuity
2132 Brands, Incorporated. Without objection, they will be made
2133 a part of the markup materials.

2134 [The information follows:]

2135 ***** COMMITTEE INSERT *****

2136 Chairman Goodlatte. And with regard to the amendment,
2137 I oppose the amendment because, while it exempts highly-paid
2138 individuals making more than \$130,000 annually, adjusted for
2139 inflation, a dollar threshold undercuts the bill's purpose,
2140 which is to increase simplicity for employers and employees.

2141 Many employees do not know the amount that they will
2142 earn in a year because of things like bonuses and
2143 commissions. In addition, a dual threshold with days and
2144 dollars would require two systems be created and maintained
2145 to track employee activity. Finally, the bill already
2146 exempts certain athletes, entertainers, and public figures
2147 because they are earning money on a per-event basis,
2148 specifically from appearing at a venue in the taxing State.

2149 By contrast, for other employees, even highly-paid
2150 ones, their temporary presence in a foreign state is
2151 typically incidental to their job. Accordingly, I urge my
2152 colleagues to reject this amendment, which is unnecessary
2153 and would upset a carefully-negotiated compromise.

2154 Mr. Conyers. Mr. Chairman?

2155 Chairman Goodlatte. For what purpose does the
2156 gentleman from Michigan seek recognition?

2157 Mr. Conyers. I rise to support Nadler amendment number
2158 two.

2159 Chairman Goodlatte. Without objection, the gentleman
2160 is recognized for 5 minutes.

2161 Mr. Conyers. I support the amendment because I
2162 believe, members, that it is critical that, if we are to
2163 exclude from the threshold athletes, entertainers, and
2164 highly-compensated public speakers because they earn a high
2165 income, we should also exclude other high income earners,
2166 such as presidents of companies and CEOs.

2167 And so, to me, once again, fairness is involved, and
2168 this amendment would promote fairness, as opposed to
2169 singling out certain individuals in the manner that they are
2170 at the present moment. Please support this amendment to get
2171 an exemption for high-income earners.

2172 And I would note that I have never introduced an
2173 amendment like this in my life before now, but I think it is
2174 important, and I would yield to the gentleman from New York,
2175 Mr. Nadler.

2176 Mr. Nadler. Thank you. I thank the gentleman for
2177 supporting the amendment and for making the observations he
2178 did.

2179 Again, I want to point out that this amendment is not
2180 to aid the high earners. It is to aid the State.

2181 The chairman referenced even high earners with only
2182 incidental contact to the State should not pay taxes there.
2183 Twenty-nine days is not an incidental contact. Twenty-nine
2184 business days, almost 6 weeks, is not an incidental contact.
2185 Again, as a general principle, we should be very careful

2186 about limiting the ability of States to raise their own
2187 finances and, certainly, to tax within their own borders.
2188 So I urge the adoption of this amendment, and I yield back.

2189 Mr. Conyers. I yield back.

2190 Chairman Goodlatte. The question occurs on the
2191 amendment offered by the gentleman from New York.

2192 All those in favor, respond by saying aye.

2193 Those opposed, no.

2194 In the opinion of the chair, the noes have it, and the
2195 amendment is not agreed to.

2196 Are there further amendments to H.R. 1393?

2197 Mr. Conyers. Mr. Chairman, I would ask unanimous
2198 consent to enter four letters into the record that are
2199 concerned with the Mobile Workforce Act. They are from the
2200 Marketplace Fairness Coalition, the Federation of Tax
2201 Administrators, the Multistate Tax Commission, and a letter
2202 from 11 trade unions.

2203 Chairman Goodlatte. Without objection, they will be
2204 made a part of the record.

2205 [The information follows:]

2206 ***** COMMITTEE INSERT *****

2207 Mr. Conyers. Thank you, sir.

2208 Chairman Goodlatte. Okay, the question is on the
2209 motion to report the bill H.R. 1393, favorably to the House.

2210 The clerk will call the roll.

2211 Ms. Adcock. Mr. Goodlatte?

2212 Chairman Goodlatte. Aye.

2213 Ms. Adcock. Mr. Goodlatte votes aye.

2214 Mr. Sensenbrenner?

2215 [No response.]

2216 Mr. Smith?

2217 [No response.]

2218 Mr. Chabot?

2219 Mr. Chabot. Aye.

2220 Ms. Adcock. Mr. Chabot votes aye.

2221 Mr. Issa?

2222 [No response.]

2223 Mr. King?

2224 [No response.]

2225 Mr. Franks?

2226 [No response.]

2227 Mr. Gohmert?

2228 Mr. Gohmert. Aye.

2229 Ms. Adcock. Mr. Gohmert votes aye.

2230 Mr. Jordan?

2231 [No response.]

2232 Mr. Poe?

2233 Mr. Poe. Yes.

2234 Ms. Adcock. Mr. Poe votes yes.

2235 Mr. Chaffetz?

2236 Mr. Chaffetz. Aye.

2237 Ms. Adcock. Mr. Chaffetz votes aye.

2238 Mr. Marino?

2239 [No response.]

2240 Mr. Gowdy?

2241 Mr. Gowdy. Yes.

2242 Ms. Adcock. Mr. Gowdy votes yes.

2243 Mr. Labrador?

2244 [No response.]

2245 Mr. Farenthold?

2246 [No response.]

2247 Mr. Collins?

2248 [No response.]

2249 Mr. DeSantis?

2250 [No response.]

2251 Mr. Buck?

2252 [No response.]

2253 Mr. Ratcliffe?

2254 Mr. Ratcliffe. Yes.

2255 Ms. Adcock. Mr. Ratcliffe votes yes.

2256 Ms. Roby?

2257 Ms. Roby. Aye.

2258 Ms. Adcock. Ms. Roby votes aye.

2259 Mr. Gaetz?

2260 [No response.]

2261 Mr. Johnson on Louisiana?

2262 Mr. Johnson of Louisiana. Aye.

2263 Ms. Adcock. Mr. Johnson votes aye.

2264 Mr. Biggs?

2265 Mr. Biggs. Aye.

2266 Ms. Adcock. Mr. Biggs votes aye.

2267 Mr. Conyers?

2268 Mr. Conyers. No.

2269 Ms. Adcock. Mr. Conyers votes no.

2270 Mr. Nadler?

2271 Mr. Nadler. No.

2272 Ms. Adcock. Mr. Nadler votes no.

2273 Ms. Lofgren?

2274 [No response.]

2275 Ms. Jackson Lee?

2276 [No response.]

2277 Mr. Cohen?

2278 [No response.]

2279 Mr. Johnson of Georgia?

2280 Mr. Johnson of Georgia. Aye.

2281 Ms. Adcock. Mr. Johnson votes aye.

2282 Mr. Deutch?
2283 [No response.]
2284 Mr. Gutierrez?
2285 [No response.]
2286 Ms. Bass?
2287 [No response.]
2288 Mr. Richmond?
2289 [No response.]
2290 Mr. Jeffries?
2291 [No response.]
2292 Mr. Cicilline?
2293 Mr. Cicilline. Aye.
2294 Ms. Adcock. Mr. Cicilline votes aye.
2295 Mr. Swalwell?
2296 Mr. Swalwell. Aye.
2297 Ms. Adcock. Mr. Swalwell votes aye.
2298 Mr. Lieu?
2299 [No response.]
2300 Mr. Raskin?
2301 [No response.]
2302 Ms. Jayapal?
2303 [No response.]
2304 Mr. Schneider?
2305 Mr. Schneider. Aye.
2306 Ms. Adcock. Mr. Schneider votes aye.

2307 Chairman Goodlatte. Since we do not yet have a
2308 reporting quorum, the vote will remain open, and members on
2309 both sides of the aisle are encouraged to get here and vote.
2310 The gentleman from Texas, Mr. Smith?
2311 Mr. Smith. Mr. Chairman, I vote yes.
2312 Ms. Adcock. Mr. Smith votes yes.
2313 Chairman Goodlatte. The gentleman from Arizona?
2314 Mr. Franks. Yes.
2315 Ms. Adcock. Mr. Franks votes yes.
2316 Chairman Goodlatte. The gentlewoman from California?
2317 Ms. Lofgren. This is passing --
2318 Chairman Goodlatte. Yes.
2319 Ms. Lofgren. Yes.
2320 Ms. Adcock. Ms. Lofgren votes yes.
2321 Chairman Goodlatte. The gentleman from Pennsylvania?
2322 Mr. Marino. Yes.
2323 Ms. Adcock. Mr. Marino votes yes.
2324 Chairman Goodlatte. The gentleman from Colorado?
2325 Mr. Buck. Yes.
2326 Ms. Adcock. Mr. Buck votes yes.
2327 Chairman Goodlatte. Has every member voted who wishes
2328 to vote?
2329 The clerk will report.
2330 Ms. Adcock. Mr. Chairman, 19 members voted aye; 2
2331 members voted no.

2332 Chairman Goodlatte. The ayes have it, and the bill, is
2333 ordered reported favorably to the House. Members will have
2334 2 days to submit views.

2335 The chair would correct the report of the vote. The
2336 vote was on H.R. 1393. The ayes have it, and the bill is
2337 reported favorably to the House. Members will have 2 days
2338 to submit views.

2339 This completes our business for the day. I thank all
2340 the members for being here for at least part of the time,
2341 and the committee is adjourned.

2342 [Whereupon, at 4:34 p.m., the committee adjourned
2343 subject to the call of the chair.]