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ORGANIZATIONAL MEETING - ADOPTION OF COMMITTEE  
RULES; RATIFICATION OF SUBCOMMITTEE ASSIGNMENTS;  
MARKUP OF H.R. 181; H.R. 350; H.R. 159; AND H.R. 285  
Wednesday, January 21, 2015  
House of Representatives,  
Committee on the Judiciary,  
Washington, D.C.

The committee met, pursuant to call, at 10:48 a.m., in Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte [chairman of the committee] presiding.

Present: Representatives Sensenbrenner, Smith, Chabot, Issa, King, Franks, Gohmert, Jordan, Poe, Chaffetz, Marino, Gowdy, Labrador, Farenthold, Collins, DeSantis, Walters, Buck, Ratcliffe, Trott, Bishop, Conyers, Nadler, Lofgren, Jackson Lee, Cohen, Johnson, Pierluisi, Chu, Gutierrez, Bass, Richmond, DelBene, Jeffries, Cicilline, and Peters.

Staff Present: Shelley Husband, Staff Director; Branden Ritchie, Deputy Staff Director/Chief Counsel; Allison Halataei, Parliamentarian and General Counsel; Kelsey Deterding, Clerk; Sarah Allen, Counsel; Perry Apelbaum, Minority Staff Director; Danielle Brown, Minority Parliamentarian; Ron LeGrand, Minority Counsel; Maggie Lopatin, Minority Clerk; and Joe Graupensperger, Minority Counsel.

Chairman Goodlatte. Good morning.

The Judiciary Committee will come to order.

And the clerk will call the roll to establish a quorum.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. Present.

Ms. Deterding. Mr. Sensenbrenner?

Mr. Sensenbrenner. Here.

Ms. Deterding. Mr. Smith?

Mr. Chabot?

Mr. Chabot. Here.

Ms. Deterding. Mr. Issa?

Mr. Issa. Here.

Ms. Deterding. Mr. Forbes?

Mr. King?

Mr. King. Present.

Ms. Deterding. Mr. Franks?

Mr. Gohmert?

Mr. Jordan?

Mr. Poe?

Mr. Poe. Here.

Ms. Deterding. Mr. Chaffetz?

Mr. Chaffetz. Present.

Ms. Deterding. Mr. Marino?

Mr. Gowdy?

Mr. Gowdy. Present.

Ms. Deterding. Mr. Labrador?

Mr. Farenthold?

Mr. Farenthold. I am here.

Ms. Deterding. Mr. Collins?

Mr. Collins. Present.

Ms. Deterding. Mr. DeSantis?

Mr. DeSantis. Here.

Ms. Deterding. Mrs. Walters?

Mrs. Walters. Here.

Ms. Deterding. Mr. Buck?

Mr. Buck. Present.

Ms. Deterding. Mr. Ratcliffe?

Mr. Ratcliffe. Present.

Ms. Deterding. Mr. Trott?

Mr. Trott. Here.

Ms. Deterding. Mr. Bishop?

Mr. Bishop. Here.

Ms. Deterding. Mr. Conyers?

Mr. Conyers. Present.

Ms. Deterding. Mr. Nadler?

Mr. Nadler. Here.

Ms. Deterding. Ms. Lofgren?

Ms. Lofgren. Here.

Ms. Deterding. Ms. Jackson Lee?

Ms. Jackson Lee. Here.

Ms. Deterding. Mr. Cohen?

Mr. Cohen. Here.

Ms. Deterding. Mr. Johnson?

Mr. Johnson. Hi. Present. Here.

Ms. Deterding. Mr. Pierluisi?

Mr. Pierluisi. Here.

Ms. Deterding. Ms. Chu?

Ms. Chu. Here.

Ms. Deterding. Mr. Deutch?

Mr. Gutierrez?

Mr. Gutierrez. Here.

Ms. Deterding. Ms. Bass?

Ms. Bass. Here.

Ms. Deterding. Mr. Richmond?

Mr. Richmond. Here.

Ms. Deterding. Ms. DelBene?

Ms. DelBene. Here.

Ms. Deterding. Mr. Jeffries?

Mr. Jeffries. Here.

Ms. Deterding. Mr. Cicilline?

Mr. Cicilline. Here.

Ms. Deterding. Mr. Peters?

Mr. Peters. Here.

Chairman Goodlatte. Are there additional members who wish to record their presence?

If not, the clerk will report.

Mr. Issa. How is Mr. Labrador recorded?

Chairman Goodlatte. How is Mr. Labrador recorded?

Ms. Deterding. Present.

Chairman Goodlatte. The clerk will report.

Ms. Deterding. Mr. Chairman, 31 members reported present.

Chairman Goodlatte. A working quorum is present. And, without objection, the Chair is authorized to declare a recess of the committee at any time.

I would like to begin by welcoming everyone to the Judiciary Committee for the 114th Congress. I anticipate that we will have another exciting Congress and look forward to working with each and every one of you on both sides of the aisle.

I would like to start by congratulating Ranking Member Conyers on his new status as dean of the House of Representatives.

Mr. Conyers. Thank you.

Chairman Goodlatte. He was first elected in 1964 and has been reelected 26 times. Having now served in Congress more than 50 years, he is the longest serving member of the House. And we congratulate him.

And I would like to also say that we look forward very soon to having a very well-done portrait hanging over our shoulders as we do the work. So Mr. Conyers will be keeping an eye on me in more ways than one. And let's give him a round of applause for that accomplishment.

And I would now like to take a moment and introduce the new Members on my side of the aisle.

Mimi Walters has worked her way up through local and State politics in California, most recently having served as a California State Senator. She served on the California State Senate Judiciary Committee from 2009 to 2010. She is a graduate of the University of California at Los Angeles with a degree in political science. Please welcome Mimi Walters.

Ken Buck began his career working for then-Congressman Dick Cheney on the Iran-Contra investigation. In 2004, he was elected District Attorney in Weld County, Colorado, where he just concluded his third term. Mr. Buck received his undergraduate degree at Princeton University and his J.D. from the University of Wyoming College of Law. Please welcome Congressman Buck.

John Ratcliffe served as the Chief of Antiterrorism and National Security for the Eastern District of Texas before going on to be the United States Attorney for the Eastern District of Texas. After leaving the Justice Department, Mr. Ratcliffe joined the Ashcroft Law Firm. He received his undergraduate degree from the University of Notre Dame and his J.D. from Southern Methodist University School of Law. Please welcome Congressman Ratcliffe.

Dave Trott joins us from Michigan's 11th congressional district. In 1985, he went to work with his mother and father at their family's law firm, where he grew to serve as chairman and CEO. He has served on the University of Michigan advisory board and recently chaired the

Oakland County Lincoln Day Dinner, which is one of the Nation's largest. Mr. Trott received his undergraduate degree from the University of Michigan and his J.D. from Duke University. Please welcome Congressman Trott.

Mike Bishop served as both a State Representative and Senator in Michigan, including serving on the Michigan State Senate Judiciary Committee. Most recently, Mr. Bishop was the chief legal officer for International Bancard Corporation and an adjunct professor at Thomas M. Cooley Law School. He received his undergraduate degree from the University of Michigan and his J.D. from the Michigan State University College of Law. Please welcome Congressman Bishop.

Mr. Bishop. Thank you.

Chairman Goodlatte. And I would now like to turn to the ranking member to introduce the new Member on his side of the aisle.

Mr. Conyers. Thank you very much, Chairman Goodlatte. And I want to thank you for the observations of my service and ascension to the deanship of the Congress. I am looking for the office and the perks that are supposed to accompany it, but, so far, I have not been successful. I know that the painting has been displayed and will be put up as soon as we can. And I thank you.

I want to welcome the new and returning Members to congratulate all of you in this coming 114th Congress. The issues we consider in this committee will continue to be some of the most contentious and important in the Congress.

I am confident that, under your leadership, Chairman Goodlatte,

we will continue to seek out areas of collaboration and compromise while also approaching our disagreements with respect for our colleagues' views and opinions and this institution. I look forward to working with you and your staff in the 114th Congress.

And we have a new Member on our side of the aisle, Representative Scott Peters. This is his second term representing the 52nd district of California. And before coming to Congress, he spent 15 years as an environmental lawyer and also served as the first president of the San Diego City Council.

We welcome you, Mr. Peters, and look forward to working with you. Let's give him a round of applause.

And I yield back the balance of my time. Thank you.

Chairman Goodlatte. Well, thank you, Mr. Conyers.

Welcome, Mr. Peters.

We are pleased to have all of our new Members.

And pursuant to notice, our next order of business is the adoption of the committee rules for the 114th Congress, a copy of which you each have.

And the clerk will report the rules.

Ms. Deterding. U.S. House of Representatives, Committee on the Judiciary, Rules of Procedure for the 114th Congress.

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

[The information follows:]

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

Chairman Goodlatte. And I will begin by recognizing myself and then the ranking member for an opening statement.

In this Congress, we have several changes to our committee rules of procedure. First, a new Rule IV has been created to address subpoena authority for the chairman.

In the past, subpoenas were authorized to be issued only by a vote of the committee or a subcommittee. However, House rules allow the power to authorize and issue subpoenas to be delegated to the chairman under such rules and limitations as the committee may prescribe.

The new Judiciary Committee rule is designed to do just that by allowing the chairman to authorize and issue subpoenas after consultation with the ranking member over the course of at least two business days. The consultation must include a copy of the proposed subpoena as well as a document schedule if documents are sought.

The rule also preserves the ability to have a committee meeting and vote to issue a subpoena. I believe this change is an important one because it will allow the committee to conduct rigorous and timely oversight even during periods of recess.

I thank the ranking member for working with me to reach an accommodation on this rule change that allows for expeditious action while ensuring that the minority is adequately consulted.

Second, subcommittee jurisdiction has been changed slightly with copyright issues being moved to the full committee and claims against the United States and non-immigration private claims bills being moved to the Subcommittee on the Constitution and Civil Justice.

In addition, Rule V, relating to broadcasting, incorporates by reference the requirements in House Rule XI, Clause 4.

Finally, Rule II, Subsection 1, contains minor changes to clarify that a working quorum at a full committee meeting is one-third of the committee members, except for circumstances where the House rules requires a majority. This is not a substantive change from current rules or practice, but, rather, a rewording to improve clarity.

I hope each of you will join me in supporting the adoption of the rules of the Judiciary Committee for the 114th Congress.

Chairman Goodlatte. And it is now my pleasure to recognize the gentleman from Michigan, Mr. Conyers, for his statement.

Mr. Conyers. Thank you, Mr. Chairman, and Members of the committee.

Although most of the changes to our committee rules are technical in nature in this Congress, I think it is important to discuss one significant change to how subpoena could be handled in this committee.

This rule's package will permit the chairman to issue subpoenas unilaterally without debate in the committee or the concurrence of the ranking member. For my entire tenure on this committee, the chairman has had the power to issue a subpoena only when authorized to do so by a majority of our Members. This is as it should be for two reasons.

First, a congressional subpoena is a powerful and coercive tool and should be a method of last resort in the conduct of our oversight responsibilities. As noted by Judge John Bates in *House Judiciary Committee v. Miers* in 2008, Congressional committees have a

constitutional obligation to engage in "the process of negotiation and accommodation" with the executive branch before we resort to a subpoena.

Secondly, this committee functions best when it conducts its business in public. Our Members on both sides of the aisle will have something to say about any subpoena issued by this committee. Our constituents have every right to know our reasons for authorizing such an action.

And I have taken you at your word, Mr. Chairman, when you have assured me that your intention is to avoid using this new authority wherever possible. We agree that it is better to reach consensus here with the whole committee than it is to exercise a unilateral subpoena power that has never been a part of our tradition.

I also appreciate your willingness to work with me to help ensure that, in the extraordinary circumstances that the committee does not have an opportunity to vote on a subpoena, appropriate consultation takes place.

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

Chairman Goodlatte. I thank the ranking member.

And I can assure you that what we discussed between ourselves and our staff is what I am happy to publicly confirm here, that this is an important tool that needs to be used sparingly. And I agree with the parameters that we have negotiated, under what circumstances they will be used, and under a vigorous consultation process with the minority.

Mr. Conyers. Thank you.

Chairman Goodlatte. Are there any amendments to the rules?

If not, the question is on adopting the rules of the committee on the Judiciary for the 114th Congress.

All in favor, say aye.

Those opposed, no.

The ayes have it. And the rules are adopted.

Okay. We will return to the approval of the subcommittee assignment because I don't think the lists have been distributed to the Members yet.

And with that in mind, we will now move to our first piece of legislation, which is H.R. 181. So for --

Mr. Nadler. Excuse me.

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

Mr. Nadler. I would like to strike the last word.

Chairman Goodlatte. The gentleman is recognized.

Mr. Nadler. I want to inquire of the chairman.

There is a bill on the floor that is under the jurisdiction of this committee, the Pain-Capable Abortion Act. I don't want to now characterize the merits of that bill. That is a separate discussion.

But, in the past, that bill -- it is a very controversial bill, it is a very important bill -- had hearings and a markup in this committee. Now it has gone straight to the floor. It is clearly a bill within the -- an important bill within the jurisdiction of the

committee. I don't know whether this violates the rules of the committee or the House.

But my inquiry really is: Can we expect that the jurisdiction of the committee is going to be respected and that bills of this nature, that is to say, important bills, controversial, are going to be before the committee so that we can, both old and new Members, exercise our -- our functions as Members of the committee and mark up the bills?

Chairman Goodlatte. I thank the gentleman for his inquiry. It is a good one.

Let me say that it is, by far, my preference to follow regular order and mark up bills in this committee. There have been exceptions over time.

And, in this case, the committee was not able to organize prior to the date that the leadership determined that bill was going to go to the floor of the House. It is identical in language to the bill that was passed through this committee in the last Congress.

And, notwithstanding that, I still nonetheless recognize the importance of debate. There were members who were not on this committee in the last Congress who are on this committee now and should have the opportunity to participate.

So our preference will be to follow regular order whenever possible, particularly when we are dealing with bills that have significant debate attached to them, as this one surely does. In this case, however, that debate will have to be carried to the floor of the House.

Mr. Nadler. Well, I hope that is true. And I thank the chairman.

Chairman Goodlatte. I thank the gentleman.

And pursuant to notice, I now call up H.R. 181 for purposes of markup and move that the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Deterding. H.R. 181, to provide justice for the victims of trafficking.

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

[The information follows:]

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

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

The sale of children for sex sounds like something that could only happen in faraway places. But, sadly, it is happening right here in the United States every single day.

According to the FBI, sex trafficking is the fastest growing business of organized crime and the third largest criminal enterprise in the world.

Criminal organizations, including some of the most violent criminal street gangs, like MS-13, have realized that selling children is sometimes more profitable than selling drugs. This is because drugs can only be sold once, but minor children can be and are prostituted multiple times a day.

Sadly, this immoral and illicit industry is also a profitable one. It is estimated that child sex trafficking in the United States alone is a \$9.8-billion illicit industry.

Last Congress, this committee led the charge against minor sex trafficking and other forms of human trafficking with the passage of a series of bipartisan, widely supported legislation aimed at tackling many aspects of these terrible crimes. Unfortunately, none of these bills were enacted into law.

The Judiciary Committee is continuing this important effort today with the consideration of H.R. 181, the Justice for Victims of Trafficking Act, which passed this committee and the House floor unanimously in the 113th Congress. This legislation represents a

comprehensive response to the growing crime of child sex trafficking.

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

As a father and as chairman of the Judiciary Committee, I can think of no more worthy use of our Federal law enforcement resources than the protection of our children.

I want to thank my colleague and friend, Judge Poe, for his leadership on this issue. And I urge my colleagues to join me in support of this important legislation.

And I now recognize the ranking member, Mr. Conyers, for his opening statement.

Mr. Conyers. Thank you, Mr. Chairman.

I am pleased to express support for H.R. 181, the Justice for Victims of Trafficking Act of 2015. This comprehensive bill includes a variety of measures intended to address the problem of child sex trafficking, which, unfortunately, is a major issue in our criminal justice system.

In particular, it establishes a domestic trafficking victims fund

that would improve services provided to rescue children in the form of long-term rehabilitative services relief that I think is long overdue.

Secondly, the bill seeks to hinder demand by prosecuting not just traffickers for the first time, but those who patronize and solicit children for illicit sexual acts. H.R. 181 requires these child predators to show by clear and convincing evidence that they reasonably believed that the person they solicited was over the age of 18.

And, finally, the bill will help to foster better collaboration among Federal, State, and local law enforcement in the fight against sex trafficking. H.R. 181 does this by directing the task forces within the Violent Crimes Against Children program to undertake efforts to increase such coordination.

I am pleased that H.R. 181 addresses these aspects of child trafficking that have been left wanting for far too long, improving victim services, and attacking the demand side of child sex trafficking. I urge support of this bill.

And I yield back the balance of my time.

Chairman Goodlatte. I thank the gentleman.

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

Mr. Poe. I want to thank the chairman and the ranking member for their support on this legislation.

At the age of 12, Gina was sold by her mother to a motorcycle gang in Florida. She was 12. She was forced into prostitution and sex

slavery. She was raped by many men every day. She was drugged so she would cooperate. She was beaten. She was starved. If she tried to run away, all these bad things occurred again.

The police knew her and knew where she was, but did not rescue her. They did not see her as a victim of crime. She was trapped in this condition for years, but eventually she escaped and now lives as an adult with the scars, both mental and physical, from her time as a slave sex-trafficking victim. Now she is working to help other victims of crime.

This bill passed by voice vote out of this committee and unanimously on the House floor. The co-sponsor of this bill is Carolyn Maloney from New York. I want to thank her for her diligent work on this type of legislation and her support of this legislation as well, another example of bipartisanship on important issues like trafficking.

I hope that we send this bill to the President's desk to help victims of human trafficking in this country. H.R. 181, Justice for Victims of Trafficking Act, is a domestic antihuman trafficking bill focused to rescue victims, track down the exploiters, and prosecute all the criminals involved for this modern-day slavery.

As the chairman said, this is not a crime that happens just in some other country. It happens in America. And it is all about the money that is involved.

We can do something about the scourge of human trafficking right here in the United States. In the crime of human trafficking, there

are three entities: the seller, the slave trafficker; the buyer, the consumer; and then the victim of crime. We address each of these entities in this bill.

First, we treat the victims as victims. The victims in these cases are not prostitutes. They are not child prostitutes. They are not criminals. They are victims of criminal conduct. Those involved in trafficking are not there by choice. There is no such thing as a child prostitute.

There are approximately 3500 animal shelters in the United States according to The Humane Society. There are only about 300 beds for domestic minor sex-trafficking victims according to Shared Hope.

Not that we don't need animal shelters. I got one of my three Dalmatians from an animal shelter. I call them "the weapons of mass destruction." But we do need to have shelters for children who are trafficked in the United States.

The bill provides for services in shelters to victims. It gives law enforcement, child welfare, healthcare officials, and others who come in contact with victims training to identify victims so they could be rescued from this slavery.

Second, the bill enhances the resources available to law enforcement to make sure these slave traders get the punishment. We build prisons to put these slave traders in them.

And then there is the buyer or the consumer who creates the demand for trafficking victims. My opinion, for too long the consumer, the buyer, has gotten away with this dastardly deed. So in order to

eliminate demand, we target and penalize the buyers, who should be accurately called "child rapists."

We will only reduce demand by punishing these individuals because they are pedophiles. They are the demand that drives the business, and it is all about money. Because that is what they see it as, just as business, not as human lives that they are abusing. Girls are property to them.

So legislation strengthens and clarifies the Trafficking of Victims Protection Act, the TVPA, by making it absolutely clear for judges, juries, and prosecutors especially, and law enforcement officials that criminals who purchase sexual acts from trafficking victims can and should be arrested, prosecuted, and convicted as sex-trafficking offenders.

We are clarifying Congress's original intent for buyers to be included under Federal law so even more prosecutors will decide to aggressively go after the consumer and, therefore, law enforcement will be encouraged to rescue them.

Hopefully, America can no longer stand by and watch young girls be involved in the sex trade and not rescue them and treat them as victims of crime.

So I hope the passage of the Justice for Victims Act will be a major step in ridding our country of this modern-day slavery.

And I will yield back to the chairman.

Chairman Goodlatte. I thank the gentleman for his statement and for his good work on this legislation.

And the chair now recognizes the gentlewoman from California, Ms. Bass, who has been also very helpful and dedicated on this issue.

Ms. Bass. Thank you, Mr. Chairman.

I move to strike the last word.

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Bass. I want to thank the chair and the ranking member for bringing up this bill today.

And I especially want to thank Judge Poe for his longstanding leadership on this issue. I have worked with you now for the last couple of years, and I look forward to that work continuing as well as Mr. Marino and the chair.

I think this bill is particularly important for several reasons, all the reasons that Mr. Poe said, but, also, because this bill requires that States notify The National Center for Missing & Exploited Children about kids missing from the foster care system.

Because we know that a lot of the young people who are trafficked are foster kids. And sometimes we have made assumptions that the girls have run away. And, frankly, even if they have run away, that doesn't mean that we shouldn't find out where they ran to.

But in many cases -- and Judge Poe and I are aware of this -- we have heard testimony from many girls who said that they wish somebody would have come and looked for them because they actually hadn't run away. They actually had been abducted. But one of the things that we have not been very clear on is documenting this. So this bill will

begin to do that.

I also appreciate the focus on the so-called johns. And just as Judge Poe said, you should never call a child a prostitute because, if you are under the age of consent, how can you possibly prostitute? Well, you should also never call what I would call a child molester, a child rapist, a john as though it is some act that they are doing that doesn't really have serious consequence.

So I think that this legislation is a great step in the right direction, and I look forward to several bills that I know we are going to be doing over the next few weeks on this issue.

I yield back the rest of my time.

Chairman Goodlatte. The chair thanks the gentlewoman.

And for what purpose does the gentleman from Georgia seek recognition?

Mr. Collins. Move to strike the last word, Mr. Chairman.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Collins. Thank you, Mr. Chairman.

And I do want to thank the chairman in bringing this in not only our organizational meeting, but bringing this to the forefront. I think it is a good statement on what we believe on both sides of the aisle.

And, Judge Poe, again, for your stalwart work and the work of others on this, it is so important.

Each of the bills before us today marks an important effort to combat and prevent the heinous crime of human trafficking and child

exploitation. Unfortunately, these crimes remain a huge problem even right here at home, even in our back doors.

You see, it has already been stated that human trafficking -- and this is just astonishing to me -- generates 9.8 billion in annual revenue in the United States. According to the Department of Justice, approximately 300,000 children are at risk of being prosecuted in the United States.

This, to me, when -- we first talked about it in the State of Georgia when I worked in the legislature down there and we began to pass laws down there to give teeth to this so that we could stop it in Atlanta, which was in our -- 60 miles from my back door, my kids.

And to find out that the Southeast and Atlanta was one of the centers for international trafficking and, also, domestic trafficking was just something that you don't talk about. But now bringing it out in the open, the light disinfects and the light is shining that is this is wrong and needs to stop.

Worldwide, almost 20 percent of all trafficking victims are children. However, in some parts of the world, children make up the majority of the trafficking victims. I believe we must do everything in our power to stop these practices. In the meantime, we must ensure that appropriate penalties are in place and that the resources needed to fight this scourge are available.

But, also, I cannot discuss this issue without mentioning the work of those that have been -- and others. As Judge Poe mentioned his connection to groups, I have one, Rahab's Rope, a nonprofit in my

hometown of Gainesville, Georgia.

During the last Congress, I worked with them in talking about the combatting of human trafficking not only on a national/international level, but a local level. I met with their staff. It is an incredible organization that directly aids women and children forced into commercial sex trade in India.

Rahab's Rope also raises awareness of the sex trade in India and worldwide as well as working with local organizations in Georgia to help women break out of the cycle of poverty through education, training, job coaching, and more.

Vicki Moore, the founder of Rahab's Rope, serves as an inspiration and an important example that we all must remain committed to fighting against modern-day slavery and take action where we are able and not give up the fight.

I am proud to support these pieces of legislation and the hard work that has went on behind it. I think it makes an important statement on the Judiciary Committee, that there is justice and that wrongdoers will be held accountable for their actions.

And, with that, Mr. Chairman, I yield back.

Chairman Goodlatte. The chair thanks the gentleman.

Who seeks recognition?

For what purpose does the gentlewoman from Texas seeks recognition?

Ms. Jackson Lee. Strike the last word.

Chairman Goodlatte. The gentlewoman is recognized.

I should say that we -- after the completion of this bill, we will return to the ratification of assignments of chairs and ranking members.

And it is my strong suspicion that the gentlewoman will be the ranking member of the committee of jurisdiction of this bill.

So the gentlewoman is recognized for her opening statement.

Ms. Jackson Lee. Mr. Chairman, thank you so very much.

And let me welcome the new Members of this committee and congratulate them for their presence here.

Thank you to the chairman of the full committee and the ranking member of the full committee. Even in the discussion of the oversight plan, I could sense a tone going forward of collaboration and compromise on some of the very important issues that we address. I think we all recognize the vast jurisdiction that this committee has.

Let me thank Judge Poe, who is my neighbor in Texas, for his leadership on this bill. I am very glad to join him in the commitment to bringing from under the shadows the victims of human trafficking.

Just about a year ago -- or just about in the fall months of 2014, we had a human trafficking hearing in Houston that I hosted that Judge Poe participated in.

And his bill clearly, with the help of so many other co-sponsors -- and I was delighted to co-sponsor it -- does something that I think is important for the Nation and something that only this Judiciary Committee could do, and that is to promote the coordination of investigation among Federal, State, and local law enforcement and

enhance the reporting data for missing children, which says that these child rapists and abusers cannot hide in jurisdictional conflicts.

That is a very important point, to be able to ensure that we have a vast fair net that is able to gather all of those who would engage in these heinous and dastardly crimes. We all know that, once a child is violated, sometimes their entire life is ruined.

The other bills that will be before us again focus on ensuring that no one gets away from the web of the law.

I would also like to thank the committee for including in the version that is now here or -- putting forth this bill the amendment that I had that reemphasizes that child human trafficking has no place in a civilized society, that persons who commit such crimes should be prosecuted to the full extent of the law, and that we must, again, have standards internationally and hold all nations to the status and these standards and that this is a human rights violation.

I serve on the Tom Lantos Human Rights Commission, and I am very glad that we recognize that children violated, again, rise to the level of international human rights violations and something that the United States should stand squarely against.

I, too, hope that we will move forward on bills, even beyond those that are here on this roster, Mr. Chairman. And I look forward to working with all of my colleagues to ensure that we find -- well, I don't know if it will be a time, but I hope so -- a moment in history that we can bring some end by way of our purpose and our legislation to the vastness of human trafficking and the vastness of victims of

child sexual abuse and child raping and child sex trafficking, if you will. This is an important step forward.

With that, I ask my colleagues to support the legislation.

And I yield back.

Chairman Goodlatte. The chair thanks the gentlewoman.

Are there any amendments to H.R. 181?

Mr. Poe. Mr. Chair.

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

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

Chairman Goodlatte. The clerk will report the amendment.

Ms. Deterding. Amendment to H.R. 181 offered by Mr. Poe, page 8, line 25, insert "or other agreement."

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

[The information follows:]

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

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

Mr. Poe. Thank you, Mr. Chairman.

This amendment makes technical corrections to the underlying bill. It also adds a provision to allow American citizens and lawful permanent residents who are victims of human trafficking to obtain official recognition of their status from the Federal Government, specifically, the Department of Health and Human Services.

Currently, only noncitizens are eligible to obtain an official certification, creating confusion and limiting the amount of quality -- and quality of services available for domestic human-trafficked victims. This official recognition is completely optional for the victim. In other words, the victim does not have to apply for that recognition.

But it will help American victims more readily access services if they choose to receive that recognition. It will especially help adult victims who have the most troubling cases when they have to try to access services. The difference is child victims are treated better in the sense that they have access to more services, but adult-trafficked victims sometimes slip through the cracks.

In addition, it will help reduce recidivism -- revictimization for victims so they don't have to constantly tell the story every time they go and try to apply for services, especially if they move from state to state. The unique services necessary to heal the victim can be provided without causing them more trauma.

The amendment clarifies, also, that all Federal human-trafficking violations are wiretapped predicate. The amendment will help victims access services and help law enforcement have all the tools necessary to stop modern-day slavery. And I would ask support of the amendment.

And I yield back.

Ms. Lofgren. Mr. Chairman.

Chairman Goodlatte. What purposes does the gentlewoman from California seek recognition?

Ms. Lofgren. To strike the last word.

Mr. Chairman, I first want to thank Judge Poe for his tremendous effort on this bill, as well as Karen Bass, my colleague from California. It is encouraging that our committee can come together in a bipartisan way to address this important issue that we all care about.

I did want to raise -- and I mentioned this to Judge Poe earlier. I just received a letter from Freedom Network, which is a group that does services for trafficking victims who have expressed concern about this amendment.

I am mindful that they are -- you know, we work so closely with the advocacy groups on these trafficking issues, and it is -- and some of the service providers think the amendment is a great idea. Some are ambivalent. Some worry that it might make things worse.

So I am wondering if we could take a few days between now and the floor to talk to the Freedom Network that has expressed some anxiety,

explore their concerns, and make sure that we have dotted all the I's and then move forward together as a group. I think that taking those few days might clarify their concerns.

And, as I say, I am very appreciative of the leadership that Judge Poe --

Mr. Poe. Will the gentlelady yield?

Ms. Lofgren. I would be happy to yield.

Mr. Poe. I appreciate your concern. This is the first I had heard about the so-called opposition to the amendment. I don't want unintended consequences. We want to make things better for victims.

As you know, the intent of the amendment is to treat domestic victims the same we treat international victims in the sense that international victims have access to services that many domestic victims do not have because of the certification or recognition.

But I will be willing to work with you to make sure we can clarify this and make it -- make the amendment mean exactly what --

Ms. Lofgren. Right.

Mr. Poe. -- we want it to say. And I would be willing to work with you on that and withdraw the amendment.

Ms. Lofgren. Well, if I -- if the gentleman --

Mr. Poe. I yield my time back.

Ms. Lofgren. Well, I guess I am reclaiming my time.

Thank you very much.

And I think, as I say, some of the people working in the field think this is exactly right. So I think, if we take a few days, we

will sort this out and we will be more confident.

I just got notice this morning as well. So I thank the gentleman for withdrawing and look forward to our further discussions the next couple of days.

Mr. Chairman, I yield back.

Mr. Poe. And, officially, Mr. Chairman, I withdraw the amendment.

Chairman Goodlatte. Without objection, the amendment is withdrawn.

I think the gentleman from Michigan wants to say something about this as well. So he is recognized.

Mr. Conyers. I wanted to commend both Zoe Lofgren and the author of the amendment for the agreement that we have reached here because this amendment would expand wiretap predicate for all sex-trafficking offenses.

Given the proposed expansions of the Federal sex-trafficking statutes today, I think we should be as deliberate as we can about any expansion of wire surveillance. And I am glad that we have reached the agreement that has just been arrived at.

I congratulate both the gentlelady from California and the author of the amendment.

And I yield back the balance of my time.

Ms. Jackson Lee. Mr. Chairman.

Chairman Goodlatte. What purpose does the gentlewoman from Texas seek recognition?

Ms. Jackson Lee. Briefly strike the last word.

In my remarks --

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Ms. Jackson Lee. Thank you.

In my remarks earlier, I did not speak to the likeliness of Mr. Sensenbrenner being the chairman of the subcommittee. So let me thank him for the work he has done on the human trafficking bills that came under his committee in the last Congress. And I look forward to working with him as we confirm this list of Members in the new Congress.

I yield back, Mr. Chairman.

Chairman Goodlatte. The chair thanks the gentlewoman for her remarks.

Are there further amendments to H.R. 181?

If not, a reporting quorum being present, the question is on the motion to report the bill H.R. 181 as amended favorably to the House.

Those in favor will say aye.

Those opposed, no.

The ayes have it. And the bill is ordered reported favorably.

The Members will have 2 days to submit views. Without objection, the bill will be reported. I don't think that is necessary because the amendment is not yet in it. But the staff is authorized to make technical and conforming changes.

And the committee will now return to making sure that Mr. Sensenbrenner and Ms. Jackson Lee and others have the assignments

that they were subscribed to.

So every member should have a copy now on his or her desk.

And the clerk will report the subcommittee assignments.

Ms. Deterding. Committee on the Judiciary, 114th Congress, subcommittee assignments.

Chairman Goodlatte. Without objection, the subcommittee assignments are considered as read.

And I will begin by recognizing myself for a statement.

Before we vote to ratify the subcommittee assignments, I want to take a moment and introduce our subcommittee chairmen and vice chairmen.

At the Subcommittee on the Constitution and Civil Justice, Congressman Trent Franks will again serve as chairman, with Congressman Ron DeSantis serving as vice chairman.

At the Subcommittee on Courts, Intellectual Property and the Internet, Darryl Issa will serve as chairman and Congressman Doug Collins will be vice chairman. Mr. Issa is not here, but he is also a Congressman.

The Subcommittee on Crime, Terrorism, Homeland Security, and Investigations will be chaired by chairman emeritus of the full committee, Jim Sensenbrenner, and Congressman Louie Gohmert will again serve as vice chairman.

At the Subcommittee on Immigration and Border Security, Congressman Gowdy will serve as chairman, with Congressman Raul Labrador as vice chairman.

And, finally, the Subcommittee on Regulatory Reform, Commercial and Antitrust Law will be chaired by Congressman Tom Marino, with Congressman Blake Farenthold serving as vice chairman.

And I now turn to the ranking member to introduce the subcommittee ranking members.

Mr. Conyers. Thank you, Chairman.

We have four Members returning to their roles as lead Democrats on their respective committees.

First, of course, Congressman Jerry Nadler of New York will serve as ranking member of the Courts, Intellectual Property and the Internet subcommittee.

Representative Zoe Lofgren will serve as the ranking member to the Subcommittee on Immigration Policy and Enforcement.

Representative Steve Cohen will continue to serve as ranking member for the Subcommittee on the Constitution and Civil Justice.

And Representative Hank Johnson will again serve as ranking member on the subcommittee on Courts, Commercial, and Administrative Law.

And, finally, I want to congratulate Representative Sheila Jackson Lee for becoming our new ranking member for the Subcommittee on Crime, Terrorism and Homeland Security and, also, wish her a belated happy birthday that she celebrated last week.

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

Chairman Goodlatte. The chair thanks the gentleman and joins him in best wishes to the gentlewoman from Texas.

And pursuant to notice, I -- oh. Actually, we need to vote on it. Here we go.

The question is on approving the appointments and assignments for subcommittee chairs, vice chairs, ranking members, and majority and minority members as shown on the roster.

All in favor, say aye.

Those opposed, no.

The ayes have it. And the assignments are approved.

Chairman Goodlatte. Now, I will return to H.R. 350. And pursuant to notice, I now call up that bill for purposes of markup and move that the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Deterding. H.R. 350, to direct the interagency task force to monitor and combat trafficking, to identify strategies to prevent children from becoming victims of trafficking, and review trafficking prevention efforts to protect and assist in the recovery of victims of trafficking and for other purposes.

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

[The information follows:]

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

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

Today we consider H.R. 350, the Human Trafficking Prevention, Intervention, and Recovery Act of 2015, introduced by Representative Kristi Noem.

Every day here in the United States thousands of victims are shuttled from place to place for the purpose of becoming sex slaves in a black market that feeds on the misery of others. We cannot allow this to continue.

In order to effectively attack this problem, it is first necessary to fully understand it. This legislation requires the interagency task force to monitor and combat trafficking in consultation with nongovernmental organizations to identify best practices and any possible gaps that might exist in research and data so that law enforcement can most effectively rescue the many trafficking victims in the United States and prosecute their traffickers.

The bill also directs the Government Accountability Office to report to Congress on the effectiveness of the various Federal grants aimed at stopping this crime. It is not always enough for law enforcement to identify and rescue victims of sex trafficking. It is critical that these young victims have the services and support necessary to help them break the cycle of violence.

However, reports have shown that there is a serious lack of housing services for trafficking victims in the United States. H.R. 350 helps to provide young victims of sex trafficking a safe and secure

path forward by ensuring that existing Federal grants can be used for housing services.

I encourage my colleagues to support this legislation.

And I recognize the ranking member for his opening statement.

Mr. Conyers. Thank you, Mr. Chairman.

H.R. 350 is a very much needed measure and one that I am more than pleased to support. The bill directs the interagency task force to monitor and combat trafficking, to identify strategies to prevent children from becoming victims of trafficking in the first place, to improve trafficking prevention efforts and, three, to protect and assist in the recovery of victims of trafficking.

Now, the National Center for Missing and Exploited Children estimates that at least 100,000 American children or more are victims of sex trafficking each year. These young people are forced into prostitution, pornography, and other forms of commercial sexual exploitation. Their involuntary servitude is often obtained through physical, verbal or sexual abuse or as a result of threats of violence against their families.

To address this crisis, H.R. 350 requires the interagency task force to monitor and combat trafficking, to conduct various reviews and surveys to identify best practices and strategies to prevent the commercial sexual exploitation of children.

The report must also identify gaps in research and data that would be helpful in formulating effective strategies in deterring children from becoming victims of trafficking in the first place.

In addition, this bill requires the Government Accountability Office, GAO, to report on both Federal and State enforcement efforts to combat human trafficking and the commercial sexual exploitation of children. And H.R. 350 also authorizes grants for housing assistance for trafficking victims, which is an essential element of their successful treatment.

And so, for those reasons, I join with many others here on the committee to support this important legislation.

And I yield back the balance of my time.

Chairman Goodlatte. The chair thanks the gentleman.

Are there any amendments to H.R. 350?

Hearing none, a reporting quorum being present, the question is on the motion to report the bill, H.R. 350, favorably to the House.

Those in favor will say aye.

Those opposed, no.

The ayes have it. And the bill is reported -- ordered reported favorably. Members will have 2 days to submit views.

Pursuant to notice, I now call up H.R. 159 for purposes of markup and move that the committee report the bill favorably to the House.

The clerk will report the bill.

Ms. Deterding. H.R. 159, to stop exploitation through trafficking.

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

[The information follows:]

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

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

FBI statistics show that trafficking of minors for sex is one of the fastest growing crimes facing law enforcement. Yet, as we fight this illicit trade, we too often hurt the same children we hope to protect.

Because most States have no exception to their prostitution laws for the victims of trafficking, these children must often fear arrest and prosecution when law enforcement manages to break up the gangs who victimize them in the first place.

Child sex-trafficking victims are discouraged from helping the police and driven further into the arms of the pimps by this unjust disparity. We can help make this right.

By encouraging States to provide trafficked minors a safe harbor from prostitution laws, we can prevent these victims from being treated as the criminals. We can help find them a way out instead of a way into prison.

H.R. 159, the bipartisan Stop Exploitation Through Trafficking Act, introduced by Mr. Paulson of Minnesota and Ms. Moore of Wisconsin, is an important step towards this goal.

The bill will use preferential treatment in the Community Oriented Policing Services, COPS, a Federal grant program, to persuade more States to formally acknowledge, as Federal law has since 2000, that children trafficked into the sex industry are victims, not perpetrators. This simple change will help alleviate the seemingly

hopeless situation in which trafficked victims find themselves.

However, it will not solve the problem on its own. The bill, therefore, goes further. It will establish a national human trafficking hotline to encourage victims to seek help. It will offer them hope for a life beyond prostitution by guaranteeing trafficked minors eligibility for the Job Corps program.

Finally, it will ensure the Federal Government's full weight is put on the side of the victim, authorizing the U.S. Marshals Service to assist when children go missing and requiring the Attorney General to report on sex offender restitution.

This bill passed the Judiciary Committee and House floor unanimously last Congress, but was not enacted into law. I urge my colleagues to support H.R. 159.

And I now recognize the ranking member, Mr. Conyers, for his opening statement.

Mr. Conyers. Mr. Chairman and colleagues, the Stop Exploitation Through Trafficking Act is intended to facilitate the establishment of safe harbors for children who have been victims of sex trafficking. There are several reasons that I want to mention for supporting this bill.

To begin with, safe harbors play a critical role in preventing youth forced into the sex trade from being revictimized and stigmatized for a second time by the criminal justice system.

We must be clear, Members of the Judiciary Committee, these children are not criminals. They are victims of one of the most heinous

types of crimes and they accordingly deserve to be rescued and treated so that they have an opportunity of overcoming their horrendous traumas.

Additionally, this bill not only creates incentives for States to establish safe harbors, but it also goes a few steps further. It allows victims of sex trafficking with related criminal charges to be eligible for acceptance to the Job Corps, an important process for reintegration into society.

It also requires the Attorney General to create a system to monitor the issuance and enforcement of mandatory restitution orders. This information will be included in a comprehensive annual report required by the Victims of Trafficking and Violence Protection Act of 2000.

This report will provide a strong basis for determining the next steps necessary to ensure that victims are justly compensated for the traumas inflicted on them by their traffickers.

And, finally, it includes a provision that was not in its predecessor in the last Congress. This provision would authorize the United States Marshals Service to provide assistance to state and local and other Federal law enforcement agencies in locating and recovering missing children when requested to do so by those agencies.

Given the Marshals Services's well-established history and its reputation and success in locating missing persons and fugitives, this makes perfectly good sense.

So when it comes to recovering our missing children, we

should -- we must utilize every available resource. And, accordingly, I urge support to this important legislation.

And I yield back the balance of my time. Thank you.

Chairman Goodlatte. The chair thanks the gentleman.

Are there any amendments to H.R. 159?

A reporting quorum being present, the question is on the motion to report the bill, H.R. 159, favorably to the House.

Those in favor will respond by saying aye.

Those opposed, no.

The ayes have it. And the bill is ordered reported favorably.

Members will have 2 days to submit views.

RPTR DEAN

EDTR WILTSIE

[10:47 a.m.]

Chairman Goodlatte. Pursuant to notice, I now call up H.R. 285 for purposes of markup and move that the committee report the bill favorably to the House.

The Clerk will report the bill.

Ms. Deterding. H.R. 285, to amend Title 18, United States Code, to provide a penalty for knowingly selling advertising that offers certain commercial sex acts.

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

[The information follows:]

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

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

While the growth of the Internet and smartphones has proved to be of great value in many aspects of our lives, unfortunately, it has also been used by criminals to facilitate the commercial exploitation of children and other victims by providing an easy way for pimps, also known as traffickers, to market child sex-trafficking victims to potential purchasers who seek to do them harm.

With a simple click of a button, individuals can now use Web sites to advertise, schedule, and purchase sexual encounters with children just like they would use the services to hire a taxi.

The SAVE Act, introduced by Ms. Wagner from Missouri, makes a technical correction to an existing Federal sex-trafficking statute, 18, USC, 1591, to make clear that the law extends to traffickers who knowingly call sex with minors and victims of forced fraud or coercion through advertizing as well as the people or entities that knowingly benefit from the sale or distribution of such advertising.

This bill is technologically neutral and applies to all advertising of children for sex over which there is Federal jurisdiction, regardless of the medium, whether the Internet, billboard, or paper fliers.

It is important to know that these advertisements, as with all ads and other speech promoting illegal activity, are not protected speech under the First Amendment.

Furthermore, in order to bring a case against a trafficker under

this legislation, the Government must prove that the defendant knew they were advertising or knew or recklessly disregarded the fact that the ad involved a minor or someone involved through force, fraud, or coercion.

However, this legislation raises the bar even higher for defendants who, while not directly placing the ads, do knowingly benefit from the placement of advertising. Specifically, the bill requires the Government to show that these defendants knew the advertisement involved a minor or a coerced adult. Reckless disregard is not sufficient.

This narrowing provision was added during the committee markup last Congress. H.R. 285 clarifies that people who advertise sex trafficking can face criminal liability. Under current law, there is the additional possibility of civil liability for defendants who violate the primary sex-trafficking statute codified at section 1591.

However, under section 230 of the Communications Decency Act, online publishers of third-party advertisement are generally immune from civil liability for such advertisement. H.R. 285 does nothing to disrupt or modify the immunity already provided by section 230.

While this legislation will help put more child traffickers in jail where they belong, this bill does not set any precedence with regard to the regulation of illegal advertisements. Congress has regulated advertisement, including online advertisement, many times.

There are hundreds of references to advertising or advertisements in the Federal Code, including in criminal provision. Congress has

even explicitly criminalized advertising on the Internet.

This legislation simply clarifies and modernizes Federal criminal law to keep pace with the evolving trend of exploiting the Internet for criminal gain. The bill was reported out of Committee and passed the House floor last Congress with overwhelming support.

I urge my colleagues to support this bill again.

And I now recognize our ranking member, the gentleman from Michigan, Mr. Conyers.

Mr. Conyers. Thank you, Mr. Chairman.

I am pleased that the committee is today considering this range of bills designed to improve our efforts to combat illegal sex trafficking and to assist victims of this horrific crime, a crime that transcends national borders and increasingly relies on the Internet to reach its targets.

Accordingly, to deal with this serious problem effectively, we do need a multifaceted strategy, much of which is reflected in these bills. But there is a concern that I have about the current measure, H.R. 285, that I would like to discuss.

Without question, it is of paramount importance that we directly address the means used by traffickers to obtain customers for their illegal acts. But in our zeal to do so, we must not ignore the lessons learned from the employment of mandatory minimum sentencing.

The ever-growing availability of Internet-based services in recent years has given individuals and businesses unprecedented opportunities to communicate and facilitate our Nation's economic

growth.

Unfortunately, Internet services are also used by criminals to facilitate their efforts to victimize minors and to create a marketplace for their illegal conduct, including illegal sex trafficking. So, accordingly, we must consider whether the proposal before us is the appropriate means to disrupt the market for these illegal acts.

The bill attempts to prohibit the advertising of illegal acts of sex trafficking, specifically those which involve minors or which involve adults who are coerced or forced into participating in these acts.

The level of depravity involved in victimizing people in this way is serious. And the current sex-trafficking statute, which this bill would amend, is a broad and aggressive effort to hold accountable the perpetrators of sex trafficking.

Whatever one's view may be on the wisdom of mandatory minimum sentences, though, it is clear that their use in this statute is intended to focus on serious acts of sex trafficking.

Last Congress, the committee amended a prior version of this bill to address concerns that it could impose liability in ways not intended or foreseen, particularly with respect to Internet providers and third-party content distributors who are not themselves engaged in sex trafficking.

The text of the current bill reflects this improvement to the proposal, but I still remain concerned about the provisions of the bill

that expand the application of the mandatory minimum sentences of 10 or even 15 years in prison that are currently in criminal law.

And, accordingly, I cannot support the bill unless we make some adjustment in that regard.

I yield back the balance of my time.

Chairman Goodlatte. The Chair thanks the gentleman.

Are there any amendments to H.R. 285?

For what purpose does the gentleman from Georgia seek recognition?

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

Chairman Goodlatte. The Clerk will report the amendment.

Ms. Deterding. Amendment to H.R. 285 offered by Mr. Johnson.

Page 2, strike line 13 through 16.

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

[The information follows:]

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

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

Mr. Johnson. Thank you, Mr. Chairman.

Mr. Chairman, the goals of this bill are commendable, but, unfortunately, the mandatory minimum sentences included as the penalties in the statute that we are considering amending today are not.

Mandatory minimum sentences restrict judicial discretion to determine punishment. Justice requires that the punishment fits the crime. And when the legislative branch mandates a one-size-fits-all, overly rigid sentencing regime to replace the wise and fair discretion of a judge, oftentimes great injustice results.

With respect to the substitute amendment we are considering today, the advertising of sex trafficking would result in mandatory penalties of 10 or 15 years under the existing statute, depending on the age of the victim and other circumstances of the crime.

Instead of applying these mandatory sentences to the advertising prohibitions that are added to the statute under the bill, my amendment would preserve the ability of judges to impose sentences ranging up to life in prison on persons convicted of advertising sex trafficking.

A statutory maximum of this length instead of a mandatory minimum would allow the court to impose the appropriate and possibly very lengthy sentence as required by the facts of the case.

The imposition of an appropriate sentence should be left to the sound discretion of the trial judge who heard the evidence and who is

in the unique position to impose a fair and just sentence after considering the appropriate sentencing guidelines, the unique facts of the case, and any aggravating or mitigating circumstances.

Given the complicated nature of Internet communication networks which would be impacted by this bill, the role of the judge in evaluating in each case will be particularly important.

While long sentences may be appropriate under the facts of a particular violation of the law, the facts of the case and of a particular defendant may compel a sentence lower than that which this legislation will mandate.

We in Congress cannot know the facts of each case in advance. Mandatory minimum penalties are already a major issue of concern for our criminal justice system, and we should not make matters worse by extending their scope.

Studies of mandatory minimums conclude that they fail to reduce crime, they waste the taxpayers' money, and they often require the imposition of sentences that violate common sense and result in gross injustice.

Therefore, I urge the adoption of my amendment.

And, with that, I yield back.

Mr. Sensenbrenner. Mr. Chairman.

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

Mr. Sensenbrenner. In opposition of the amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Sensenbrenner. Mr. Chairman, the SAVE Act simply clarifies that the existing Federal trafficking statute extends to traffickers who advertise minors and other victims for sex trafficking as well as those who knowingly benefit from such advertisements.

It should go without saying that sex trafficking and, particularly, minor sex trafficking is a terrible crime that can ruin the lives of the victims it ensnares. And the incidence of these crimes are only growing, arguably driven by the Internet, which makes it as easy to order up a young girl for the night as it is to order a taxicab.

In recognition of the seriousness of sex trafficking, Congress set appropriately serious sentences for traffickers and people who knowingly benefit from trafficking.

Section 1591 of Title 18 provides a sentence of 15 years to life if the victim is below the age of 14 or involved due to force, fraud, or coercion and a sentence of 10 years to life if the victim is between the ages of 14 and 18, but force, fraud, or coercion was not involved.

This amendment would exempt both traffickers and those who knowingly benefit from the trafficking of children younger than 14 years old from the 15-year mandatory minimum sentences simply because they committed their crime through advertising.

There is no rational basis for treating these criminals differently than a trafficker who sells children by forcing them to walk the streets or outside of a major sporting event. The trauma to the children is the same or worse, given that online advertising arguably makes it easier to sell these children even more frequently.

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

This amendment also runs counter to the amendment made to the Federal sex trafficking statute by Mr. Poe's legislation, which the committee reported favorably just a short time ago.

The amendment clarifies that solicitation of a trafficking victim by a john is prohibited and punished to the same extent as trafficking, including the mandatory minimum sentence for people who purchase children under the age of 14 or victims of force, fraud, or coercion.

It is counterintuitive to subject the johns to the existing penalties in section 1591, but then lessen the penalties for the pimps and traffickers simply because they market their innocent victims through advertising.

I am not aware of any other Federal statute that affords lower penalties for advertising criminal activities. There is no reason to start that practice here, particularly given the seriousness of the crime in question.

I strongly oppose this amendment and urge my colleagues do the same.

And I yield back the balance of my time.

Chairman Goodlatte. Would the gentleman yield?

Mr. Sensenbrenner. I yield.

Chairman Goodlatte. I thank the gentleman for yielding.

And the gentleman, as you all know, is the chairman of the pertinent subcommittee. And I subscribe to his comments.

But I also want to point out that, as the gentleman knows, on our side of the aisle, every Member of this committee rejected this amendment in the last Congress. And I would urge them to do it again this Congress.

Mr. Sensenbrenner. I appreciate the gentleman's comments. And I will reiterate the fact that every Member on our side of the aisle voted to reject this amendment in the last Congress.

I yield back.

Chairman Goodlatte. The Chair thanks the gentleman.

And I recognize the gentleman from Michigan for 5 minutes.

Mr. Conyers. Mr. Chairman, I think we ought to look a little bit more carefully at this amendment because it would exempt proposed prohibition on the advertising of sex trafficking from the mandatory minimum sentencing and that would apply if this offense were added to the sex-trafficking statute.

Instead, those convicted would be subject to imprisonment for any term of years or life in prison, which are the current maximum penalties in the statute. So we are not getting soft on this.

And the fact that we are doing this a second time, I am sure some Members have thought this through a little bit more clearly. And the network of Internet communications to which this bill could apply are complex, and the culpability of offenders may vary from case to case.

Those who violate this new law may often require severe sentences. And this amendment would allow up to life in prison, but sentences should be tailored to each case.

Now, getting back to the settings of mandatory minimums, which conclude that they fail to reduce crime, mandatory minimums fail to reduce crimes. They waste taxpayers' money, and they often require the imposition of sentences that violate common sense.

So that is the quarrel we are talking about. We are not talking about lightening up on the sentences. And because we have made a collective mistake once, we don't have to repeat it every time it keeps coming up.

Mandatory minimum sentences contribute to our national crisis of over-incarceration. Remember the hearings that we have held in the committee on that.

Over one-third of Federal prisoners are serving mandatory minimum sentences, contributing to an unsustainable explosion in the Federal prison population over these past few decades.

Judges applying the sentencing guideline should set the sentences that are appropriate for each violation of the law, depending on unique facts of each case.

For that reason, because of the mandatory minimum inclusion, I urge the rejection of this amendment.

And I yield back the balance of my time.

I support the amendment and yield back the balance of my time.

Chairman Goodlatte. For what purpose does the gentleman from New

York seek recognition?

Mr. Nadler. To speak on the amendment.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Nadler. Thank you, Mr. Chairman.

I also rise in support of this amendment. And let me associate myself with everything that was said by the two prior speakers, including the ranking member of the committee.

Let me add a couple of observations about mandatory minimums.

Mr. Sensenbrenner said that we shouldn't be lowering sentences. Well, as the ranking member pointed out, this doesn't lower sentences. It restores judicial discretion in sentences to take into account the facts of the case. Imprisonment for any term of years or for life is not a lower sentence, number one.

Number two, what mandatory minimums do is remove judicial discretion. It means the judge can't make a decision in an appropriate case.

If he thinks that the sentence should be longer than the mandatory minimum, he can do that. But if he thinks it should be shorter, he cannot. And this obviously contributes to the over-incarceration that the gentleman from Michigan mentioned.

But, secondly, what it really does is transfers discretion in sentencing from the judge, who wants to have that discretion, to the prosecutor, who should not have that discretion.

Now, how does this give the discretion to the prosecutor? The prosecutor can determine what to charge. In most crimes, there are

various gradations of the crime and there are different crimes that can be charged for a given act.

The prosecutor, by charging which crime and which gradation he is going to charge, in effect, triggers the mandatory minimum because there are different mandatory minimums for those different crimes.

So the prosecutor has the discretion. The prosecutor can use -- it is wrong for the prosecutor not to judge -- in effect, to determine the sentence.

The second problem with this is that, with the prosecutor having such leverage, such discretion, he gets the leverage in plea bargaining. He gets too much leverage in plea bargaining.

We have seen any number of cases where people pled guilty where it turned out later they weren't guilty because the prosecutor offered that, "If you plead guilty, we will give you a lesser degree of crime, a lesser plea, and a low sentence, whereas, if you don't, I, the prosecutor, have the discretion to charge you with something with a huge mandatory minimum and you don't take the gamble. Because even though you are innocent, the jury might convict."

And so we have seen any number of cases where there is too much leverage by the -- where the mandatory minimum has given the prosecutor too much leverage in plea bargaining and elicits guilty pleas, when, in fact, it turns out later that the person was not guilty.

So for all these reasons -- we have sentencing guidelines because we do want very heavy sentences in some cases. But we elect or appoint judges, as the case may be, to make those decisions. And they are to

be the ones to make those decisions, not the prosecutors and not the wooden application of a law that cannot take into account the circumstances of a case.

So I urge adoption of this amendment which leaves a term of imprisonment up to life for this serious crime, but allows the judge to make an appropriate determination in a given case. So I urge support for the amendment.

And I yield back.

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

Mr. Gowdy. Just very briefly.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Gowdy. Thank you, Mr. Chairman.

I wanted to give Mr. Nadler some good news. He probably already knows this. He is a much better lawyer than I am. But there are two ways to get around mandatory minimums. There is 5K1.1 and there is a Rule 35. So there are already two ways to get around mandatory minimums.

And I guess what I am having a hard time understanding, Mr. Chairman, is how Congress can set statutory maximums, but we don't trust ourselves to set statutory minimums. Maybe there is a U.S. attorney -- I know we have one from Texas. I know we have some others that can help me understand this.

Mr. Cohen. Would the gentleman yield?

Mr. Gowdy. I was never a U.S. attorney. I was just a lowly field

prosecutor. But we set statutory maximums. Why not minimums?

And I did want my friend from New York to know that there already are ways to get out from under mandatory minimums. There are two.

And, with that, I --

Mr. Issa. Would the gentleman yield?

Mr. Gowdy. Yes.

Mr. Issa. I want to speak in support of what Mr. Gowdy said. There are other solutions.

But I would like to offer an olive branch to my friends on the Democratic side, and that is I believe that we should have a constructive dialogue about where mandatory minimums are too high, have proven to be a barrier, and that, as Mr. Gowdy said, we have a right and an obligation to set these parameters, maximum in all cases and minimum in some cases.

But I would look forward to working on a bipartisan basis with a review of where minimums have been done, perhaps well meaning, but over time have been shown to be counterproductive, and I would be more than happy to have an ongoing dialogue for a separate piece of legislation.

And I thank the gentleman for yielding.

Mr. Gowdy. Well, in conclusion, Mr. Chairman, I actually happen to think mandatory minimums don't make sense in certain categories of crime, economic crimes. And most of the drug cases I prosecuted, Mr. Chairman, were, in fact, economic crimes.

I am happy to look at mandatory minimums as they relate to economic

crimes. I am not happy to look at mandatory minimums as they relate to violent crimes.

Mr. Poe. Will the gentleman yield?

Mr. Gowdy. Yes. I will yield.

Mr. Poe. Just to weigh in on that argument, when we talk about mandatory minimums, I mean, as a former judge, I thought discretion was very important.

And I won't talk about the maximum or the minimum standards, but we have to prioritize minimum sentencing. When it comes to child molesters and people who abuse children, there needs to be a minimum sentence.

When it comes to maybe drug offenses and some other offenses that I don't think reach the caliber of crime of these type of trafficking cases, that is where I think we, as a committee, need to weigh in on whether, as the ranking Member says, they are counterproductive.

So I don't equate the minimum sentences in these type of cases with minimum sentences in drug cases. And I think we ought to leave the law exactly where it is and punish those people with a minimum sentence.

I yield back to the gentleman from South Carolina.

Mr. Gowdy. And I would yield my time back to the chairman.

Chairman Goodlatte. The chair thanks the gentleman.

For what purpose does the gentlewoman from Texas seek recognition?

Mr. Jackson Lee. Mr. Chairman, I rise in very strong support of

the underlying bill.

Chairman Goodlatte. The gentlewoman is recognized for 5 minutes.

Mr. Jackson Lee. Strike the last word. I'm sorry, Mr. Chairman.

I rise in strong support of the underlying bill, and I have always been a steady force of commitment around the issues of the abuse of children and human trafficking and sexual abuse. I think there is nothing more heinous.

And let me accept the olive branch of my colleague from California and, I assume, the chairman and others as we continue to look at the question of mandatory minimums.

I remind my colleagues that we have had a number of hearings on sentencing, Sentencing Commission, members of the Commission, that they themselves have raised the question of mandatory minimums.

My colleague has made a distinction, and they are absolutely right. These crimes against children -- many of us have watched over the years as the missing and exploited children's organization has raised to the forefront children that have been taken for the purpose of abuse. And I am not interested in seeing any of these dastardly acts going unpunished.

I would say, however, that the gentleman from Georgia's amendment does not trouble me from the perspective that it does indicate the highest offense -- sentencing, rather, to life.

My concern would be that there may be, in the cases of cases, some

factual circumstance. Whether or not it bears on the technology that is used and the vastness of the Internet and the moving pieces around the use of the Internet, whether someone can make the argument that, in fact, even in conviction, that there was confusion, it gives the judge the ability to respond to the facts of the case, although the person has been convicted or maybe even taken a plea.

So I don't see where the gentleman's amendment diminishes the court's ability to throw the book at a vile and, I would say, inhuman person that would violate a child.

But if we have a commitment to addressing the question of mandatory minimums, I would raise the issue of whether we can pick and choose whether or not we should have a commitment to the fact that there is documentation that maybe mandatory minimums do not do all that they are put up to do.

So I am a supporter of this bill. I tried to read into the gentleman's amendment a demise of this bill and I did not see that.

Because any judge worth their salt -- and we all have collectively had some impact on the appointments of Federal judges. Whether in our critique, whether in our contributions of their names to the White House, whether Republican or Democrat, we have selected people who we believe have the conscience and the credibility and the integrity to throw the book at vile persons.

So we here are making a statement on policy, and that policy is a question of whether or not the discretion of the judge can be utilized when the facts, the facts -- not in any way diminishing the horrors

of this act -- but the fact, the uniqueness, the pointedness of the fact, point that there should be something other than the minimum that has been set in this particular case.

I ask my colleagues to look thoughtfully at the Johnson amendment.

I yield back.

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

Mr. Cohen. Strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Cohen. Mr. Chair, I understand the difference in where we are coming from on this amendment, and I understand where this amendment is going to go. So I would like to go to something positive.

As the President said yesterday, we ought to look at places where we can work together. And from Mr. Gowdy's statement about economic crimes and Judge Poe's statement about drug crimes not needing a minimum, I think those are real positive aspects and a place we can go.

I would like to ask the chairman if there is a way that we could have a subcommittee created -- or maybe Mr. Sensenbrenner could have one -- that looks into the different situations where we should change --

Mr. Sensenbrenner. Will the gentleman yield?

Mr. Cohen. Yes, sir.

Mr. Sensenbrenner. Later on this year we will be dealing with many of the things that the Task Force on Over-Criminalization came

up with. This is very complicated. It had a vast amount of testimony given to it. It will take a while to get bills drafted.

But this is one of the things that I expect to look at in the subcommittee. And we might not be able to reach an agreement on how to deal with this, but at least we will talk about it.

Mr. Cohen. Well, "at least we will talk about it" is good. I think we can reach an agreement. Because people like Mr. Gowdy and Judge Poe and Mr. Amash and others have indicated they also think mandatory minimums on these drug crimes in particular are wrong and costly. And, hopefully, we can look at them and I trust the subcommittee chairman --

Mr. Sensenbrenner. Well, you know, if the gentleman will yield further, minor possession drug crimes I think is a way -- something that we ought to look at.

But I need to know the figures -- and so should all the rest of us -- of how many people are in Federal prison for minor possessions of drugs and how many people are in prison for being traffickers of drugs. Those are the people that I think we ought to throw the book at.

Mr. Cohen. I understand what you are saying, Mr. Sensenbrenner.

But even if you are a trafficker, let's say, of marijuana, it is the fact of what you are trafficking is not awful, in people's minds today, as it was when they threw the book at them. They used to throw the Encyclopedia Britannica at those people, and that is the sentences they are serving now for -- only it is an economic crime.

If marijuana were legal, they wouldn't -- they are doing it to make money and it is not like they are doing it and people who are buying that product are then going out and raping and doing sexual offenses against children. They are basically going to Dunkin' Donuts and to Ben & Jerry's. And I think we ought to take that into consideration.

Mr. Johnson. Will the gentleman yield?

Mr. Cohen. Yes.

Mr. Johnson. What we are talking about here is advertisers facilitating the buying and selling of sex with minors.

And when you think about the online advertising industry, you think about all of the layers of activity that are going on, the employees involved, the culpability of a particular person busted for engaging in advertising.

That might be someone who owns a particular site. That might be someone who administrates or that might be an administrator's employees or it may be all of the above.

To apply a hard 15-year minimum sentence to any of those particular actors, regardless of culpability, is indeed setting the stage for people to be in prison for longer periods of time at a cost to taxpayers that should not be afforded, but the impact on justice itself is diminished.

And so this is a commonsense amendment that will allow a judge who has listened to the evidence, understands the aggravating and mitigating circumstances involved, and -- can apply a just sentence to fit the crime.

We are talking about sentences that fit the crime. And when we go with this one-size-fits-all approach, it hurts the concept of justice, which is what this committee should be all about.

And, with that, I yield back to the gentleman.

Mr. Cohen. Thank you.

And I just thank Mr. Sensenbrenner. I look forward to working with you on these -- changing the minimums on these economic crimes. And that is what marijuana even for sale is, is an economic crime.

I yield back the balance of my time.

Chairman Goodlatte. What purpose does the gentleman from Texas, Mr. Farenthold, seek recognition?

Mr. Farenthold. Strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Farenthold. I just wanted to make two quick points.

I do have a concern with mandatory minimums and taking discretions away from judges to deal with the facts and circumstances of the case.

I do want to address a comment my friend, the gentleman from Georgia, made about culpability.

There is specifically a "knowing" standard applying in this statute. So we are not talking about an innocent employee of an Internet company that didn't know this was a sex ad. There is a "knowing" standard in there. So there is clear culpability that has to be met.

Mr. Johnson. Will the gentleman yield?

Mr. Farenthold. Certainly.

Mr. Johnson. Yes. In any criminal statute, you have to show intent, which involves knowledge. But we do have to make sure that, when we charge someone and they are under the gun, they are subject to a life imprisonment sentence.

They are under immense pressure to get this case adjudicated and they may or may not have been as culpable as someone further up the chain in terms of the offense, but, yet, they are going to be subjected to the same sentence -- or the same draconian sentencing regime that would be imposed on someone with a higher level. It just doesn't make sense.

So I appreciate the gentleman's recognition of that standard of proof, knowledge. But the fact is the power in the hands of a prosecutor -- to accuse someone and to levy this kind of a charge and then for there to be a mandatory minimum sentence on it, which ties the judge's hands, it puts all the power into the hands of the prosecutor in terms of the ultimate sentence is concerned.

Mr. Farenthold. Thank you.

Reclaiming my time, I yield back.

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

Mr. Poe. Strike the last word.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Poe. Just briefly, I understand the gentleman's intent in this amendment. I don't support the amendment. I think we need a mandatory minimum in this type of case.

And just to be clear, regarding the gentleman from Tennessee, I do think that we ought to revisit the mandatory minimum for minor drug possession cases.

Don't want to equate that with drug dealers, as the chairman of the subcommittee mentioned. And I am glad to see that we will be looking at that in the future.

With that, I yield back, Mr. Chairman.

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

All those in favor, respond by saying aye.

Those opposed, no.

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

Mr. Johnson. Mr. Chairman, I would ask for a recorded vote.

Chairman Goodlatte. A recorded vote has been requested.

And the Clerk will call the roll.

Ms. Deterding. Mr. Goodlatte?

Chairman Goodlatte. No.

Ms. Deterding. Mr. Goodlatte votes no.

Mr. Sensenbrenner?

Mr. Sensenbrenner. No.

Ms. Deterding. Mr. Sensenbrenner votes no.

Mr. Smith?

Mr. Smith. No.

Ms. Deterding. Mr. Smith votes no.

Mr. Chabot?

[No response.]

Mr. Issa?

Mr. Issa. No.

Ms. Deterding. Mr. Issa votes no.

Mr. Forbes?

[No response.]

Mr. King?

Mr. King. No.

Ms. Deterding. Mr. King votes no.

Mr. Franks?

Mr. Franks. No.

Ms. Deterding. Mr. Franks votes no.

Mr. Gohmert?

Mr. Gohmert. No.

Ms. Deterding. Mr. Gohmert votes no.

Mr. Jordan?

Mr. Jordan. No.

Ms. Deterding. Mr. Jordan votes no.

Mr. Poe?

Mr. Poe. No.

Ms. Deterding. Mr. Poe votes no.

Mr. Chaffetz?

[No response.]

Mr. Marino?

[No response.]

Mr. Gowdy?

Mr. Gowdy. No.

Ms. Deterding. Mr. Gowdy votes no.

Mr. Labrador?

Mr. Labrador. Aye.

Ms. Deterding. Mr. Labrador votes aye.

Mr. Farenthold?

Mr. Farenthold. No.

Ms. Deterding. Mr. Farenthold votes no.

Mr. Collins?

Mr. Collins. No.

Ms. Deterding. Mr. Collins votes no.

Mr. DeSantis?

Mr. DeSantis. No.

Ms. Deterding. Mr. DeSantis votes no.

Ms. Walters?

Ms. Walters. No.

Ms. Deterding. Ms. Walters votes no.

Mr. Buck?

Mr. Buck. No.

Ms. Deterding. Mr. Buck votes no.

Mr. Radcliffe?

Mr. Radcliffe. No.

Ms. Deterding. Mr. Radcliffe votes no.

Mr. Trott?

Mr. Trott. No.

Ms. Deterding. Mr. Trott votes no.

Mr. Bishop?

Mr. Bishop. No.

Ms. Deterding. Mr. Bishop votes no.

Mr. Conyers?

Mr. Conyers. Aye.

Ms. Deterding. Mr. Conyers votes aye.

Mr. Nadler?

Mr. Nadler. Aye.

Ms. Deterding. Mr. Nadler votes aye.

Ms. Lofgren?

[No response.]

Ms. Jackson Lee?

Ms. Jackson Lee. Aye.

Ms. Deterding. Ms. Jackson Lee votes aye.

Mr. Cohen?

Mr. Cohen. Aye.

Ms. Deterding. Mr. Cohen votes aye.

Mr. Johnson?

Mr. Johnson. Aye.

Ms. Deterding. Mr. Johnson votes aye.

Mr. Pierluisi?

[No response.]

Ms. Chu?

[No response.]

Mr. Deutch?

[No response.]

Mr. Gutierrez?

[No response.]

Ms. Bass?

[No response.]

Mr. Richmond?

[No response.]

Ms. DelBene?

Ms. DelBene. Aye.

Ms. Deterding. Ms. DelBene votes aye.

Mr. Jeffries?

[No response.]

Mr. Cicilline?

[No response.]

Mr. Peters?

[No response.]

Chairman Goodlatte. The gentleman from Utah.

Ms. Deterding. Mr. Chaffetz votes no.

Chairman Goodlatte. The gentleman from Ohio.

Ms. Deterding. Mr. Chabot votes no.

Chairman Goodlatte. Are there any Member who wishes to vote who have not voted?

Chairman Goodlatte. The Clerk will report.

Ms. Deterding. Mr. Chairman, 7 members voted aye, 20 members voted no.

Chairman Goodlatte. The amendment is not agreed to.

Mr. Nadler. Mr. Chairman.

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

Mr. Nadler. Strike the last word in the bill.

Chairman Goodlatte. The gentleman is recognized for 5 minutes.

Mr. Nadler. Thank you.

Mr. Chairman, there can be no doubt that sex trafficking is a heinous crime. Of the 450,000 children who run away from home every year, 1 in every 3 will be forced into prostitution. More than 55 percent young girls living on the street are engaged in prostitution. The average age for entering the sex trade is between 12 and 14 years old.

We clearly must do all we can to prevent sex trafficking, to protect those young women who are forced into the sex trade, and to prosecute those who facilitate it.

All the bills before the committee today, including this legislation to Stop Advertising Victims of Exploitation Act, take important steps toward cracking down on sex trafficking.

Through coded language and anonymous Web sites, the Internet has opened new and insidious pathways to sex trafficking, particularly of minors. And for that reason I support this bill.

I would note, however, that the bill could leave legitimate companies potentially liable for advertising that, despite their best efforts and use of algorithms to prevent it, may appear on their sites.

Rather than simply go after the advertisers, this bill, as drafted, would also target anyone who benefits financially from such ads. That could include the platform on which the ads are posted, even though they made efforts to avoid such ads being on their platform, and those that facilitate placing such ads.

Although the bill requires knowledge that the services being advertised involves sex trafficking, this standard is vague enough that it still could sweep up those who are unsuccessful in blocking such an ad before it placed. We should not impose criminal liability on people who try their best not to do the wrong thing.

Since liability attaches to anyone who benefits financially from the advertisement, this could also encompass even low-level employees who have no decision-making authority in the company, but who are aware of the ads that are being placed.

We must tread very carefully before we subject anyone to the harsh 10- and 15-year mandatory minimum sentences contained in the underlying statute.

I appreciate the efforts of Mr. Labrador and Mr. Farenthold, who offered an amendment when this bill was marked up last year that addressed some of my concerns by limiting the application of the reckless disregard standard, and I am glad to see that these changes are incorporated into the bill this year.

With this language, I can support the bill. But I hope that the bill's sponsor and the chairman will continue to work with me on further assignments to make sure that we do not target those who bear no responsibility for the despicable acts this bill would outlaw.

I believe we should be going after the advertisers who intentionally violate the law and we should go after the owners and managers of the platform only if they fail to take reasonable steps to comply with the law.

We should ensure that legitimate companies and well-intentioned individuals do not face major criminal penalties for a bad actor's advertisement circumventing their protective measures.

Thank you. And I yield back the balance of my time.

Chairman Goodlatte. Are there any other amendments to H.R. 285?

A reporting quorum being present, the question is on the motion to report the bill, H.R. 285, favorably to the House.

Those in favor, respond by saying aye.

Those opposed, no.

In the opinion of the chair, the ayes have it. And the bill is ordered reported favorably.

Members will have 2 days to submit views.

I want to thank all the Members for their participation in this first committee meeting of this new Congress, and I thank all the Members for attending.

The meeting is adjourned.

[Whereupon, at 12:30 p.m., the committee was adjourned.]

