

□ 1645

Will the epidemic begin again?

It is a difficult posture to stand on the floor of the House when you are discussing a baby, a child, a 12-year-old. There is no divide between my belief and Congresswoman ROBY's belief. It is heinous. They should be punished.

We may have a disagreement of what may be a process that reenacts and restores our pathway on mass incarceration. It is not clear in the bill, plain and simple.

I heard the response of the chairman: There is nothing new. Then it should have been tied to 3559(c) and just say, "must be sentenced to life in prison, as it is." But it seems that there is a re-finement, so more and more opportunities for mandatory minimums and no discretion for the judge.

In a courtroom, the judge, at sentencing, has all the information he or she needs to impose a sentence commensurate with the crime committed and the culpability of the offender. At that time, lock them up, throw the key away.

I am not sure what the Department of Justice is speaking about in terms of loopholes. There are some very fine men and women who have headed up U.S. Attorneys Offices over the years and decades, and they have gotten their man or woman.

So the question is: With an Attorney General that we have, who stood in the way of criminal justice reform in the last Congress as we were on the precipice of doing great things, now I am supposed to be convinced that he is in any way sympathetic to the mass incarceration which disproportionately impacts African Americans.

No, this is not a case that is a bill that points or focuses on African Americans. I am very clear about that. I don't suggest that at all. But I know the ultimate result of mandatory minimums has a disproportionate impact on African Americans, as evidenced by the census population in the Federal Prison Bureau, in the Federal criminal justice system, and in State prisons across America.

I want to work with my colleagues. I want to save children. All of us are brought to tears when some heinous, vile human being wants to taint a child. But if a judge can't understand that, shame on them. If a prosecutor doesn't understand that, shame on them.

And they have got 3559(e) that expresses that, which would include the illicit sexual conduct with a minor abroad by a U.S. citizen and, if not, that could be stated in there, and the language "must be sentenced to life in prison."

I am not sure where we are going, but I would hope that we could clarify that 3559(e) answers all the questions and that we don't find added mandatory minimums which impact communities disproportionately as the only solution to getting a dastardly person off the streets.

Mr. GOODLATTE. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

I would like everyone to think about this in a very general way, that expanding the scope of offenses subject to mandatory minimums is just as harmful as enacting new ones. It is the same thing. And so, accordingly, I oppose this legislation.

Those who commit crimes against children deserve to be punished, and repeat offenders most certainly deserve to face increased penalties. There is no one that, I don't think, in this House, disagrees with that.

But nevertheless, I oppose mandatory minimum sentencing and, therefore, I must oppose this legislation. I believe that judges are the best suited to determine the just and appropriate punishment in each case.

So for the foregoing reasons, I urge each and every one of my colleagues here to oppose H.R. 1862.

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

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my friend and colleague, the ranking member, asked that we look at this in a broad and general way, but that is not what this bill is all about. I ask my colleagues to look at this in the very specific way that this bill is designed: to address a loophole in current law that allows sexual predators of children under 12 years old to avoid the sentencing consequences of their actions.

We are about protecting children. This law is about protecting children. But predators know this loophole in the law, and it needs to be closed, so that is what this is about.

This is about making sure that sexual predators are taken off the streets and prevented from not abusing children once or twice, but many more times. This will stop that. This will close that loophole.

This is not the place—sexual predators for children under 12 years old. This is not the place to have a general, broad discussion about mandatory minimum sentences.

Let's fix this problem. And we can and will as we address criminal justice reform, look at our overall sentencing, but this problem needs to be addressed. It needs to be addressed now for the sake of protecting our children. I urge my colleagues to support this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 1862.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

STRENGTHENING CHILDREN'S SAFETY ACT OF 2017

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1842) to amend title 18, United States Code, to include State crimes of violence as grounds for an enhanced penalty when sex offenders fail to register or report certain information as required by Federal law, to include prior military offenses for purposes of recidivist sentencing provisions, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Children's Safety Act of 2017".

SEC. 2. FAILURE OF SEX OFFENDERS TO REGISTER.

Section 2250(d) of title 18, United States Code, is amended—

(1) by inserting after "Federal law (including the Uniform Code of Military Justice)," the following: "State law,"; and

(2) by adding at the end the following:

"(3) DEFINITION.—In this section, the term 'crime of violence' has the meaning given such term in section 16."

SEC. 3. PRIOR MILITARY OFFENSES INCLUDED FOR PURPOSES OF RECIDIVIST SENTENCING PROVISIONS.

(a) AGGRAVATED SEXUAL ABUSE.—Section 2241(c) of title 18, United States Code, is amended by inserting after "State offense" the following: "or an offense under the Uniform Code of Military Justice".

(b) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended by striking "section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under" each place it appears and inserting "the Uniform Code of Military Justice or".

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252 of title 18, United States Code, is amended—

(1) in subsection (b)(1), by striking "section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under" and inserting "the Uniform Code of Military Justice or"; and

(2) in subsection (b)(2), by striking "section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under" and inserting "the Uniform Code of Military Justice or".

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A of title 18, United States Code, is amended—

(1) in subsection (b)(1), by striking "section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under" and inserting "the Uniform Code of Military Justice or"; and

(2) in subsection (b)(2), by striking "section 920 of title 10 (article 120 of the Uniform Code of Military Justice), or under" and inserting "the Uniform Code of Military Justice or".

(e) REPEAT OFFENDERS.—Section 2426(b)(1)(B) of title 18, United States Code, is amended by inserting after "State law" the

following: “or the Uniform Code of Military Justice”.

(f) SENTENCING CLASSIFICATION.—Section 3559 of title 18, United States Code, is amended—

(1) in subsection (e)(2)(B)—

(A) by striking “State sex offense” and inserting “State or Military sex offense”; and
(B) by inserting after “under State law” the following: “or the Uniform Code of Military Justice”; and

(2) in subsection (e)(2)(C), by inserting after “State” the following: “or Military”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1842, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

For victims, the effects of child sexual abuse are devastating. It disrupts the victim's development and increases the likelihood that he or she will experience other sexual assaults in the future, and it is, likely, one of the most underreported crimes in the United States. That is why we have to do all we can to prevent these crimes. We promote prevention by closely monitoring sex offenders and by imposing recidivist enhancements on those who have shown a proclivity to abuse children.

H.R. 1842, the Strengthening Children's Safety Act of 2017, closes two significant loopholes to help accomplish these goals.

First, the bill closes a loophole in the statute that criminalizes a sex offender's failure to register. Under current law, a sex offender who fails to comply with registration requirements is guilty of a crime. An enhanced penalty applies to offenders who, while in non-compliant status, commit a Federal crime of violence, a crime of violence under the D.C. Code, a military code crime of violence, a Tribal crime of violence, or a crime of violence in any territory or possession of the United States. This is logical since offenders who have been convicted of both crimes against children and crimes of violence are deserving of more severe punishment.

However, significantly, this provision fails to include offenders who have been convicted of crimes of violence under State laws. It makes no sense that a person convicted of a crime of violence under the D.C. Code is subject to an enhanced penalty, while a person who committed the same offense in

Virginia would not be. Given their propensity for violence, these offenders, regardless of what U.S. jurisdiction convicts them, must be held accountable when they fall off the radar.

The bill further ensures that those offenders who have been previously convicted of sex crimes under the Uniform Code of Military Justice are exposed to the same recidivist enhancements as those convicted of the same crimes in Federal, State, and Tribal courts. The way the U.S. Code is currently written, many of these Federal recidivist statutes unintentionally fail to cover significant sex crimes committed under military law, including certain child pornography offenses. Again, it is important that repeat offenders are subject to the same sentencing enhancements, no matter where they were convicted, in order to protect our children.

H.R. 1842 is commonsense legislation that closes loopholes in Federal law, promotes uniformity, and will help keep our children safe.

I want to thank the gentleman from Texas (Mr. RATCLIFFE), a member of the Judiciary Committee, for introducing this important bill, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 1842, a bill that is intended to address gaps in our child protection laws.

Now, this bill makes a number of changes to the Federal criminal code that, unfortunately, makes the same error that was previously made. It results in the expanded imposition of mandatory minimum sentences. I don't know where we get this notion that mandatory minimum sentences are a solution.

H.R. 1842 amends section 2250(d) of the criminal code, which provides for an enhanced penalty for sex offenders who commit a crime of violence while in noncompliance of sex offender registration and reporting requirements.

In addition to the Federal crimes of violence already included in that statute, this bill would add State crimes of violence as predicate offenses that, in turn, would require the imposition of a mandatory 5-year prison sentence to be served consecutively to any sentence imposed for failing to register or comply with sex offender registration and reporting requirements.

H.R. 1842 would also add prior military child sex offenses to several recidivist sentencing provisions, most of which carry mandatory minimum penalties of at least 15 years or life, itself.

Perhaps we should expand coverage of enhanced sentences for the offenses added by this bill, but we should do so without expanding the number of mandatory minimums. The judges, not the Congress—not us—are in the best position to impose sentences for even the most offensive criminal violations because they know the facts and circumstances of each case.

□ 1700

There is an increasing bipartisan, national recognition that mandatory minimum sentences are not only unfair, but they are also counterproductive. Instead of expanding the coverage of mandatory minimums, we should be eliminating them. Individuals convicted of serious offenses will still receive appropriately lengthy sentences, but they will not be set on a one-size-fits-all basis.

We want to examine the facts, the circumstances in each case, and the judge is in the best position to do that. We should not be assuming that we can sit here and pass these national laws that will not help and will make it difficult for judges to do their work.

Unfortunately, this bill takes the opposite course, and that is why I must oppose it. I encourage my colleagues to think about what we are doing here and oppose H.R. 1842. I urge your support against this measure, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Texas (Mr. RATCLIFFE), the chief author of this legislation.

Mr. RATCLIFFE. Mr. Speaker, I rise today in support of H.R. 1842, the Strengthening Children's Safety Act of 2017.

Mr. Speaker, there are few things more shocking to the conscience or sickening to the soul than crimes against children—the most innocent, the most vulnerable members of our society.

In my time as a Federal prosecutor, the child exploitation images that I was forced to review as part of the evidence were, by far, the most disturbing and difficult part of that job. All of these years later, I still can't erase those depraved images from my mind, and I doubt that I will ever be able to do that.

But crimes against children should stick with us, they should haunt us, and then they should spur us to take action. If we do anything here in Congress, it should be working to protect children. We talk all day long in this Chamber about the future of this country. Well, Mr. Speaker, the children are the future of this country. We need to put our words into action.

So today I am introducing H.R. 1842, the Strengthening Children's Safety Act of 2017, a bill which closes two sets of loopholes in Federal child exploitation laws to make sure that all dangerous sex offenders are treated the same and are subject to the same enhanced penalties under the law.

Right now, Mr. Speaker, current law establishes minimum national standards for sex offender registration and notification in all 50 States, in the District of Columbia, in U.S. territories, and Tribal jurisdictions. If a sex offender knowingly fails to register or update a registration, that individual faces a fine and imprisonment of up to 10 years.

There is also an enhanced penalty of 5 to 30 years imprisonment if the offender, while in that noncompliance status, also commits a crime of violence under Federal law, under the Uniform Code of Military Justice, the law of the District of Columbia, Indian Tribal law, or the law of any territory or possession of the United States.

But here is the problem, Mr. Speaker: Right now, only individuals committing crimes of violence under these Federal, military, and Tribal laws are subject to the enhanced penalty, while individuals committing the same crimes of violence under State law are not.

Mr. Speaker, hopefully, we can all agree that child predators committing crimes of violence should be subject to the same enhanced penalties, regardless of whether these crimes are being charged in Federal court or at the State level. So this bill adds similar State crimes of violence to that list to ensure that the enhanced penalty applies equally to all dangerous offenders.

Mr. Speaker, the second portion of H.R. 1842 addresses enhanced sentences for individuals with prior sex offenses. Fortunately, our child exploitation laws consistently do call for higher sentences any time a defendant has a prior conviction for Federal or State sex offenses. But currently, these sentencing provisions do not consistently include all similar sex offense convictions that arise under the Uniform Code of Military Justice.

H.R. 1842 amends those Federal child exploitation laws to include all child sexual exploitation offenses under the Uniform Code of Military Justice in the recidivist provisions, as appropriate. Again, I think it is critical, Mr. Speaker, that we close this loophole to ensure that all prior child exploitation convictions are penalized for repeat offenders.

Many issues in Congress these days are partisan, but it is my sincere hope, Mr. Speaker, that Members on both sides of the aisle today will be able to come together to support stronger protections for children who are sexually abused. Mr. Speaker, I urge all of my colleagues to support this important bill.

Mr. CONYERS. Mr. Speaker, as usual, we are indebted to the gentleman from Virginia, who, for years, was the chairman of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations in the Judiciary Committee and still carries with him the understanding and the experience that leads him to be on the floor with us today.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT) in support of his position.

Mr. SCOTT of Virginia. Mr. Speaker, I rise in opposition to H.R. 1842.

While I support the underlying goal of punishing sex offenders, the existing sentencing laws already provide serious punishment for this conduct. Unfortu-

nately, this legislation expands non-mandatory minimums to additional offenders.

This expansion of mandatory of minimums comes at the heels of Attorney General Sessions' memo, which has been roundly criticized for rescinding the Holder memo and directing all Federal prosecutors to pursue the most serious charges and the maximum sentence, to include mandatory minimum sentences.

The Sessions memo takes away, from Federal prosecutors, the ability to individually assess the unique circumstances of their cases and any factors which would mitigate against seeking the harshest sentence in every case. Once that offense triggers a mandatory minimum and once that is charged, the sentencing judge loses any discretion to assess the unique circumstances of the case and, upon conviction, must impose the mandatory minimum provided in the code.

This legislation is remarkable in that it extends a number of exceptionally high mandatory minimums to most defendants. The mandatory sentence of life without parole is expanded to apply to more cases. The mandatory sentence of 35 years is expanded. In other cases, the mandatory minimum would triple from 5 years to 15 years.

These are grave sentences, and the judge should have discretion in determining when they should be imposed. And these sentences would apply not only to the ring leader, but to everyone who may be involved in the activity and subject to a conspiracy conviction. The mandatory minimum eliminates the ability of the judge to consider the individual circumstances of the case or the culpability or the role of the defendant in that case.

For decades now, extensive research has been done on mandatory minimums, and the conclusions are: they do not reduce crime; they do not protect anybody; they waste the taxpayers' money; they discriminate against minorities; and they often require judges to impose sentences so bizarre that they violate common sense.

When you see how these are worked in drug cases, you can be reminded of President Obama's policy to consider full commutation. Those who are, essentially, first offenders who have been convicted of nonviolent, low-level activity in a drug case would be considered for commutation after 10 years.

Now, that seems reasonable, but what you ought to ask is the question: How did a low-level, nonviolent first offender get so much time that, after 10 years, they still need help from the President? The answer is: mandatory minimums. The judge had no choice but to impose that bizarre sentence.

Unfortunately, there are already too many mandatory minimums in the Federal code. If we ever expect to do anything about the problem and address that driver of mass incarceration, the first step we have to take is to stop passing new mandatory minimums or

bills that expand existing mandatory minimums.

Mandatory minimums in the code did not get there all at once; they got there one at a time, each, part of a larger bill which, on balance, seemed like a good idea. Therefore, the first step we have to take in reducing mandatory minimums is to stop passing new ones or to stop passing bills that expand mandatory minimums.

For these reasons, while I support the underlying goals of H.R. 1842, to punish sex offenses against children, I oppose expanding the application of severe mandatory minimum sentences such as the 15 and 35 and life imprisonment.

Mr. Speaker, this bill would not be controversial without the mandatory minimums; but, unfortunately, they are in the bill, and I, therefore, urge my colleagues to oppose the legislation.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Once again, this bill has no new mandatory minimum sentences. These are not low-level offenders. These are not nonviolent offenders. They are violent sexual predators, and these added offenders—which this bill does to close, again, a loophole—these added offenders have committed the exact same crimes with the exact same conduct as those already covered in existing law. This bill aims to apply the mandatory minimums equitably, and that, I think, should be an important goal for all of us.

Again, there are no new mandatory minimums in this bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, it is now my pleasure to yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON LEE), who is the ranking member of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations in the House Judiciary Committee.

Ms. JACKSON LEE. Mr. Speaker, I would like to thank the gentleman from Michigan for his leadership and, as well, the gentleman who is a proponent of this legislation which, on its face, provides for an enhanced penalty for sex offenders who commit a crime of violence while in noncompliance of sex offender registration and reporting requirements. That offense can apply to that in the Military Code of Justice, Tribal law, State law, and Federal law.

It also adds State crimes of violence as a predicate offense that, in turn, would require the imposition of a mandatory or an enhanced sentencing to be served consecutively to any sentence imposed for failing to register or comply with the sex offender registration reporting requirements.

I believe, as my colleagues have said, that the underlying premise of this bill will join us together in linking arms, there is no doubt. It should be the rule of this Congress and the rule of elected

officials from State to local government, the U.S. Military Code of Justice, and Tribal law to protect our children; and certainly, the idea of non-compliance with sex registration should be addressed in any court proceeding dealing with these offenders.

The issue, I believe, is the question, again, of: What do we gain by the implementing of a mandatory minimum? In this instance, it is an enhanced 5-year sentence. But there may be a number of reasons in terms of an individual moving from State to State where the person is not registered.

Again, I have to turn my attention to where we are and where we stand on this day, May 22, 2017. It makes a difference. It makes a difference if we have an Attorney General that does not seem to have any interest in rehabilitation, any interest in ensuring that the mass incarceration ends, the disparate treatment of different races and ethnic groups in the criminal justice system ends.

As has been noted already, the previous policies of Attorney General Holder that were fair and did not add to the enhancement of crime, which allowed discretion by prosecutors of not adding up on the particular defendant any number of offenses that would create 200- and 300-year sentencing and, therefore, having people languish in prisons across this country, building up the record of private prisons, and seeing teeming numbers in our Federal prison system, that is what we are facing now.

□ 1715

There is no doubt that the present law, I believe, does, in fact, cover the efforts of the proponent of this legislation. Obviously, there will be a difference of opinion, but I believe that there is sufficient coverage in the underlying legislation without adding this particular enhancement.

I would hope that our colleagues who are in support of this bill, just as I respect their commitment to fighting against sexual violence, sexual contact, and sexual criminal acts against children, would recognize that a discussion about mandatory minimums does not, in any way, diminish one's commitment to the underlying premise of this legislation.

There are too many unknown variables with the leadership of the Attorney General and his indication as to what kind of treatment there should be for underlying crimes and his wish to have newly appointed U.S. Attorneys, many of whom are not appointed, not confirmed, so that we can, again, overcriminalize America, overcriminalize the acts of individuals, and create another siege of mass incarceration.

We will have a number of other bills that will be on the floor with the same concerns that will be expressed. Again, let me say that I support the idea of fighting against child sex trafficking and violent sexual crimes perpetrated against children. I support the opposi-

tion to such and the incarceration of those and bringing those individuals to justice. I do believe, however, that there are many ways of dealing with this, including incarceration without a continuous either enhancement or continued increase of the number of mandatory minimums that are continuing to be added to individuals who are recidivists and who are convicted of Federal, State, or military crimes, in this instance.

Mr. CONYERS. Will the gentlewoman yield?

Ms. JACKSON LEE. I yield to the gentleman from Michigan.

Mr. CONYERS. I commend the gentlewoman for her consistent understanding and explaining why mass incarceration is at the base of all of the debate that is going on.

I am hoping that more and more people who listen to these discussions that we have here in the House of Representatives will begin to understand that mass incarceration is not the answer to our problems. As a matter of fact, they compound the problems.

I salute the gentlewoman for her tenacity and understanding and explaining this situation to everyone who can listen to our discussions here.

Ms. JACKSON LEE. I thank the gentleman for that very thoughtful addition and his kind words.

I think what I want to say to Mr. CONYERS, in concluding, is that mass incarceration is real. We have lived with this for decades. We finally have gotten to the point that judges recognize that there are many different ways to deal with individuals who are recidivists at sentencing, regardless of whether or not the previous conviction, as I said earlier, was Federal, State, or military court, and now Tribal. That is the only point that we are making here.

Next week, we will have 10 more bills with mandatory minimums. We will all agree with the underlying premise, which is to lock the bad guys up, but we do believe that there is some value to the discretion of judges and courts. I don't believe anyone on this floor—none of us, Republicans or Democrats—would have any argument—none—on the underlying premise of our absolute responsibility, without question, of defending and protecting children from these vile individuals. But I don't have the facts inside the courtroom, and there is not a one-size-fits-all answer. That is what mandatory minimums are. All it does is load our prison systems with bodies, one after another.

I conclude with this. The courts have asked for discretion. I would hope that in the Federal system those who are appointed have, in fact, both the wherewithal, the knowledge, the sense of justice, and the right to make the decision based upon the laws and based upon the vileness of what has been engaged in.

This is not an opposition. This is a plea for collaboration.

If I may say one thing personally. There are neighbors that I know in my

community who have been accused of certain things. They are dignified citizens—not with regard to this particular underlying act—but dignified citizens, former military persons, and they are languishing under a mandatory minimum. It is disgraceful. Let me be very clear: It is not a sex offense, not an offense of violence. It is minimal, at best. But they are operating under a mandatory. It literally is disgraceful how this has destroyed their lives.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1842 is a well-intentioned bill meant to ensure that repeat sex offenders are punished for their crimes, whether their prior offenses are State, Federal, or military.

While I believe that repeat sex offenders of any kind should receive appropriately lengthy sentences, I disagree with the imposition of mandatory minimums. We are not the court. We are not the judge. We do not hear the facts and circumstances in each case.

I appeal to good common sense and good legal analysis that we oppose this legislation that would amplify the difficulties that we already know exist. I hope that we will oppose this measure.

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

Mr. GOODLATTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the gentlewoman from Texas cited a personal experience she had with someone she knows who has been convicted of a crime and given a mandatory minimum sentence. It was not a violent crime, not a sex crime, and not relevant to this bill, which does not add any new mandatory minimum sentences. It simply makes sure that the sentences already imposed under the law are equitably applied, regardless of where their prior offenses took place.

These are sexual crimes. These are violent crimes. These offenders should receive the exact same sentences for the exact same conduct as others already covered under the current law.

I urge my colleagues to support this important legislation to protect our children and get sexual predators off the street.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 1842.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

TARGETING CHILD PREDATORS ACT OF 2017

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 883) to amend title 18, United States Code, to provide a certification process for the issuance of nondisclosure requirements accompanying certain administrative subpoenas, to provide for judicial review of such nondisclosure requirements, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Targeting Child Predators Act of 2017”.

SEC. 2. NONDISCLOSURE OF ADMINISTRATIVE SUBPOENAS.

Section 3486(a) of title 18, United States Code, is amended—

(1) by striking “the Secretary of the Treasury” each place it appears and inserting “the Secretary of Homeland Security”;

(2) in paragraph (5), by striking “ordered by a court”;

(3) by striking paragraph (6) and inserting the following:

“(6)(A) If a subpoena issued under this section is accompanied by a certification under clause (ii) and notice of the right to judicial review under subparagraph (C), no recipient of a subpoena under this section shall disclose to any person that the Federal official who issued the subpoena has sought or obtained access to information or records under this section, for a period of 180 days.

“(ii) The requirements of clause (i) shall apply if the Federal official who issued the subpoena certifies that the absence of a prohibition of disclosure under this subsection may result in—

“(I) endangering the life or physical safety of an individual;

“(II) flight from prosecution;

“(III) destruction of or tampering with evidence;

“(IV) intimidation of potential witnesses; or

“(V) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

“(B)(i) A recipient of a subpoena under this section may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(I) those persons to whom disclosure is necessary in order to comply with the request;

“(II) an attorney in order to obtain legal advice or assistance regarding the request; or

“(III) other persons as permitted by the Federal official who issued the subpoena.

“(ii) A person to whom disclosure is made under clause (i) shall be subject to the nondisclosure requirements applicable to a person to whom a subpoena is issued under this section in the same manner as the person to whom the subpoena was issued.

“(iii) Any recipient that discloses to a person described in clause (i) information otherwise subject to a nondisclosure requirement shall notify the person of the applicable nondisclosure requirement.

“(iv) At the request of the Federal official who issued the subpoena, any person making or intending to make a disclosure under subclause (I) or (III) of clause (i) shall identify to the individual making the request under this clause the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.

“(C)(i) A nondisclosure requirement imposed under subparagraph (A) shall be subject to judicial review under section 3486A.

“(ii) A subpoena issued under this section, in connection with which a nondisclosure requirement under subparagraph (A) is imposed, shall include notice of the availability of judicial review described in clause (i).

“(D) A nondisclosure requirement imposed under subparagraph (A) may be extended in accordance with section 3486A(a)(4).”

SEC. 3. JUDICIAL REVIEW OF NONDISCLOSURE REQUIREMENTS.

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended by inserting after section 3486 the following:

“§ 3486A. Judicial review of nondisclosure requirements

“(a) NONDISCLOSURE.—

“(1) IN GENERAL.—

“(A) NOTICE.—If a recipient of a subpoena under section 3486 wishes to have a court review a nondisclosure requirement imposed in connection with the subpoena, the recipient may notify the Government or file a petition for judicial review in any court described in subsection (a)(5) of section 3486.

“(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant subpoena. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the subpoena is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the subpoena is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

“(C) CONSIDERATION.—A district court of the United States that receives a petition under subparagraph (A) or an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

“(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof or a response to a petition filed under paragraph (1) shall include a certification from the Federal official who issued the subpoena indicating that the absence of a prohibition of disclosure under this subsection may result in—

“(A) endangering the life or physical safety of an individual;

“(B) flight from prosecution;

“(C) destruction of or tampering with evidence;

“(D) intimidation of potential witnesses; or

“(E) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

“(3) STANDARD.—A district court of the United States shall issue a nondisclosure order or extension thereof under this subsection if the court determines that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period may result in—

“(A) endangering the life or physical safety of an individual;

“(B) flight from prosecution;

“(C) destruction of or tampering with evidence;

“(D) intimidation of potential witnesses; or

“(E) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

“(4) EXTENSION.—Upon a showing that the circumstances described in subparagraphs

(A) through (E) of paragraph (3) continue to exist, a district court of the United States may issue an ex parte order extending a nondisclosure order imposed under this subsection or under section 3486(a)(6)(A) for additional periods of 180 days, or, if the court determines that the circumstances necessitate a longer period of nondisclosure, for additional periods which are longer than 180 days.

“(b) CLOSED HEARINGS.—In all proceedings under this section, subject to any right to an open hearing in a contempt proceeding, the court must close any hearing to the extent necessary to prevent an unauthorized disclosure of a request for records, a report, or other information made to any person or entity under section 3486. Petitions, filings, records, orders, certifications, and subpoenas must also be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a subpoena under section 3486.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by inserting after the item relating to section 3486 the following:

“3486A. Judicial review of nondisclosure requirements.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 883, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over the years, we as a society have made great strides in combating crimes against children. As with many crimes, however, law enforcement often struggles to keep pace with modern technology. That is why H.R. 883, the Targeting Child Predators Act, is both an important and a timely piece of legislation.

While many of the bills we have discussed today have been aimed at prevention and punishment, H.R. 883 provides law enforcement with the tools necessary to stop ongoing abuse, occurring in real time, and to locate offenders.

Because of the severity of sex crimes committed against children and the often irreparable harm they cause, we must take steps to ensure that law enforcement has the ability to swiftly locate sexual predators.

In 1998, Congress recognized this urgency by passing the Protection of Children From Sexual Predators Act, which permitted the FBI to use administrative subpoenas in cases of child exploitation. That legislation was intended to enhance the FBI's ability to