PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 2327

Mr. STIVERS. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 2327, a bill originally introduced by Representative RON DESANTIS of Florida, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

PREVENTING CHILD EXPLOITATION ACT OF 2018

Mrs. ROBY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6847) to amend title 18, United States Code, to expand and strengthen Federal sex offenses, to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6847

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Preventing Child Exploitation Act of 2018''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—STRENGTHENING FEDERAL SEX OFFENSE LAWS

SEC. 101. EXPANDING THE DEFINITION OF ILLICIT SEXUAL CONDUCT.

Section 2423(f)(1) of title 18, United States Code, is amended—

(1) by striking ''a sexual act (as defined in section 2246) with'' and inserting ''any conduct involving''; and

(2) by striking ''if the sexual act'' and inserting ''if the conduct''.

SEC. 102. EXPANDING THE DEFINITION OF FEDERAL SEX OFFENSE.

Section 3559 of title 18, United States Code, is amended—

(1) in subsection (e)(2)(A)—

(A) by inserting after ''2244(a)(1)'' the following ''or 2244(a)(5)'';

(B) by striking the ''or'' before ''2423(a)'';

(C) by striking ''into prostitution''; and

(D) by inserting ''or 2423(c) (relating to illicit sexual conduct)'' before the semicolon at the end; and

(2) in subsection (e)(3), by striking ''or 2423(a)'' and inserting '', 2423(a), or 2423(c)''.

SEC. 103. FAILURE OF SEX OFFENDERS TO REGISTER.

Section 2250(d) of title 18, United State 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. 104. 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''.

SEC. 105. SEXUAL EXPLOITATION OF CHILDREN.

Section 2251 of title 18, United States Code, is amended—

(1) by amending subsections (a) and (b) to read as follows:

''(a) Any person who, in a circumstance described in subsection (f), knowingly—

''(1) employs, uses, persuades, induces, entices, or coerces a minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, or transmitting a live visual depiction of such conduct;

''(2) produces or causes to be produced a visual depiction of a minor engaged in any sexually explicit conduct where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct;

''(3) transmits or causes to be transmitted a live visual depiction of a minor engaged in any sexually explicit conduct;

''(4) has a minor assist any other person to engage in any sexually explicit conduct during the commission of an offense set forth in paragraphs (1) through (3) of this subsection; or

''(5) transports any minor in or affecting interstate or foreign commerce with the intent that such minor be used in the production or live transmission of a visual depiction of a minor engaged in any sexually explicit conduct,

shall be punished as provided under subsection (e).

''(b) Any parent, legal guardian, or person having custody or control of a minor who, in a circumstance described in subsection (f), knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct knowing that a visual depiction of such conduct will be produced or transmitted shall be punished as provided under subsection (e).'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct'' and inserting ''engages in any conduct described in paragraphs (1) through (5) of subsection (a)''; and

(ii) by striking '', for the purpose of producing any visual depiction of such conduct,'';

(B) in paragraph (2)(A), by inserting after ''transported'' the following: ''or transmitted''; and

(C) in paragraph (2)(B), by inserting after ''transports'' the following; ''or transmits'';

(3) by adding at the end the following:

''(f) The circumstances referred to in subsections (a) and (b) are—

''(1) that the person knows or has reason to know that such visual depiction will be—

''(A) transported or transmitted using any means or facility of interstate or foreign commerce;

''(B) transported or transmitted in or affecting interstate or foreign commerce; or

''(C) mailed;

''(2) the visual depiction was produced or transmitted using materials that have been

mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;

''(3) such visual depiction has actually been—

''(A) transported or transmitted using any means or facility of interstate or foreign commerce;

''(B) transported or transmitted in or affecting interstate or foreign commerce; or

''(C) mailed; or

''(4) any part of the offense occurred in a territory or possession of the United States or within the special maritime and territorial jurisdiction of the United States.

''(g) Notwithstanding any other provision of this section, no criminal charge under subsection (a)(3) may be brought against an electronic communication service provider or remote computing service provider unless such provider has intentionally transmitted or caused to be transmitted a visual depiction with actual knowledge that such depiction is of a minor engaged in sexually explicit conduct, nor may any such criminal charge be brought if barred by the provisions of section 2258B.''.

SEC. 106. LIMITED LIABILITY FOR CERTAIN PERSONS WHEN RESPONDING TO SEARCH WARRANTS OR OTHER LEGAL PROCESS.

Section 2258B of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''from the response to a search warrant or other legal process or'' before ''from the performance''; and

(2) in subsection (b)(2)(C), by inserting ''the response to a search warrant or other legal process or to'' before ''the performance of any responsibility''.

TITLE II—ADAM WALSH REAUTHORIZATION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Adam Walsh Reauthorization Act of 2018''.

SEC. 202. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM REAUTHORIZATION.

Section 126(d) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20928(d)) is amended to read as follows:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $20,000,000 for each of the fiscal years 2018 through 2022, to be available only for the SOMA program.''.

SEC. 203. REAUTHORIZATION OF FEDERAL ASSISTANCE WITH RESPECT TO VIOLATIONS OF REGISTRATION REQUIREMENTS.

Section 142(b) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20941(b)) is amended to read as follows:

''(b) For each of fiscal years 2018 through 2022, of amounts made available to the United States Marshals Service, not less than $60,000,000 shall be available to carry out this section.''.

SEC. 204. DURATION OF SEX OFFENDER REGISTRATION REQUIREMENTS FOR CERTAIN JUVENILES.

Subparagraph (B) of section 115(b)(2) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20915(b)(2)) is amended by striking ''25 years'' and inserting ''15 years''.

SEC. 205. PUBLIC ACCESS TO JUVENILE SEX OFFENDER INFORMATION.

Section 118(c) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20920(c)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) any information about a sex offender for whom the offense giving rise to the duty to register was an offense for which the offender was adjudicated delinquent; and''.

SEC. 206. PROTECTION OF LOCAL GOVERNMENTS FROM STATE NONCOMPLIANCE PENALTY UNDER SORNA.

Section 125 of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20927(a)) is amended—

(1) by striking ''jurisdiction'' each place it appears and inserting ''State'';

(2) in subsection (a)—

(A) by striking ''subpart 1 of part E'' and inserting ''section 505(c)''; and

(B) by striking ''(42 U.S.C. 3750 et seq.)'' and inserting ''(34 U.S.C. 10156(c))''; and

(3) by adding at the end the following:

''(e) CALCULATION OF ALLOCATION TO UNITS OF LOCAL GOVERNMENT.—Notwithstanding the formula under section 505(c) of the Omnibus Crime Control and Safe Streets Act 1968 (34 U.S.C. 10156(c)), a State which is subject to a reduction in funding under subsection (a) shall—

''(1) calculate the amount to be made available to units of local government by the State pursuant to the formula under section 505(c) using the amount that would otherwise be allocated to that State for that fiscal year under section 505(c) of that Act, and make such amount available to such units of local government; and

''(2) retain for the purposes described in section 501 any amount remaining after the allocation required by paragraph (1).''.

SEC. 207. ADDITIONAL INFORMATION TO BE INCLUDED IN ANNUAL REPORT ON ENFORCEMENT OF REGISTRATION REQUIREMENTS.

Section 635 of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20991) is amended—

(1) by striking ''Not later than July 1 of each year'' and inserting ''On January 1 of each year,'';

(2) in paragraph (3), by inserting before the semicolon at the end the following: '', and an analysis of any common reasons for noncompliance with such Act'';

(3) in paragraph (4), by striking ''and'' at the end;

(4) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(5) by adding after paragraph (5) the following:

''(6) the number of sex offenders registered in the National Sex Offender Registry;

''(7) the number of sex offenders registered in the National Sex Offender Registry who—

''(A) are adults;

''(B) are juveniles; and

''(C) are adults, but who are required to register as a result of conduct committed as a juvenile; and

''(8) to the extent such information is obtainable, of the number of sex offenders registered in the National Sex Offender Registry who are juveniles—

''(A) the percentage of such offenders who were adjudicated delinquent; and

''(B) the percentage of such offenders who were prosecuted as adults.''.

SEC. 208. ENSURING SUPERVISION OF RELEASED SEXUALLY DANGEROUS PERSONS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended in paragraph (8)(A) by striking ''or 4246'' and inserting '', 4246, or 4248''.

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended in paragraph (12)(A) by striking ''or 4246'' and inserting '', 4246, or 4248''.

SEC. 209. TRIBAL ACCESS PROGRAM.

The Attorney General is authorized to provide technical assistance, including equipment, to tribal governments for the purpose of enabling such governments to access, enter information into, and obtain information from, Federal criminal information databases, as authorized under section 534(d) of title 28, United States Code. The Department of Justice Working Capital Fund (established under section 527 of title 28, United States Code) may be reimbursed by federally recognized tribes for technical assistance provided pursuant to this section.

SEC. 210. ALTERNATIVE MECHANISMS FOR IN-PERSON VERIFICATION.

Section 116 of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20918) is amended—

(1) by striking ''A sex offender shall'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), a sex offender shall''; and

(2) by adding at the end the following:

''(b) ALTERNATIVE VERIFICATION METHOD.—A jurisdiction may allow a sex offender to comply with the requirements under subsection (a) by an alternative verification method approved by the Attorney General, except that each offender shall appear in person not less than one time per year. The Attorney General shall approve an alternative verification method described in this subsection prior to its implementation by a jurisdiction in order to ensure that such method provides for verification that is sufficient to ensure the public safety.''.

SEC. 211. CLARIFICATION OF AGGRAVATED SEXUAL ABUSE.

Section 111(8) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20911(8)) is amended by inserting ''subsection (a) or (b) of'' before ''section 2241 of title 18, United States Code''.

SEC. 212. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.

Section 634(c) of the Adam Walsh Child Protection and Safety Act of 2006 is amended by adding at the end the following:

''(3) ADDITIONAL REPORT.—Not later than 1 year after the date of enactment of the Adam Walsh Reauthorization Act of 2018, the National Institute of Justice shall submit to Congress a report on the public safety impact, recidivism, and collateral consequences of long-term registration of juvenile sex offenders, based on the information collected for the study under subsection (a) and any other information the National Institute of Justice determines necessary for such report.''.

SEC. 213. ASSISTING STATES WITH JUVENILE REGISTRATION.

Section 125 of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20927) is amended by adding at the end the following:

''(e) SUBSTANTIAL IMPLEMENTATION FOR JUVENILE REGISTRATION REQUIREMENTS.—

''(1) IN GENERAL.—In the case of a jurisdiction that uses a discretionary process for determining whether registration under this Act is required for juveniles 14 years of age or older who are adjudicated delinquent for sex offenses described in section 111(8), the Attorney General, in assessing whether the jurisdiction has substantially implemented this title with respect to the registration of such juveniles, may examine the policies and practices that the jurisdiction has in place—

''(A) related to the prosecution as adults, of juveniles who commit sex offenses described in section 111(8);

''(B) related to the registration under this Act of juveniles adjudicated delinquent for such an offense; and

''(C) related to the identification, tracking, monitoring, or managing of juveniles adjudicated delinquent for such offenses who reside in the jurisdiction, including policies and practices to ensure that the records of

their identities and sex offenses are available as needed for public safety purposes.

''(2) SUBMISSION BY JURISDICTION.—A jurisdiction described in paragraph (1) shall submit to the Attorney General an explanation for how the discretionary process used by the jurisdiction with respect to the registration of juveniles under this Act should be considered substantial implementation of this title.

''(3) DETERMINATION.—The Attorney General may determine that a jurisdiction has substantially implemented this title if the Attorney General determines that the policies and practices described in paragraph (1) have resulted or will result in the registration, identification, tracking, monitoring, or management of juveniles who commit sex offenses described in section 111(8), and in the availability of the identities and sex offenses of such juveniles as needed for public safety purposes, in a manner that does not substantially disserve the purposes of this title.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Alabama (Mrs. ROBY) and the gentlewoman from Texas (Ms. JACKSON LEE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Alabama.

GENERAL LEAVE

Mrs. ROBY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 6847, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Alabama?

There was no objection.

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

Mr. Speaker, I am pleased we are voting today on the Preventing Child Exploitation Act, which rolls together four bills the House considered and passed last year but the Senate failed to take up and pass. Each of them will make important changes to Federal law to protect children.

I would like to thank my colleagues—Mr. RATCLIFFE, Mr. JOHNSON, and Mr. SENSENBRENNER—for their excellent work in crafting and introducing these bills with me and their critical efforts to move them through the House earlier this Congress.

The first part of H.R. 6847 is the bill I introduced, the ''Roby bill.'' It closes a significant loophole in pursuing offenders who engage in sex tourism and prey on children abroad. Specifically, the bill ensures that the definition of ''illicit sexual conduct'' includes all potential situations where an adult defendant may abuse a child under these circumstances. No longer will they be able to go and prey on foreign children without facing the possibility of significant punishment at home. They will also not be able to escape enhanced sentences for doing so.

The bill also closes loopholes that permit those who sexually degrade, humiliate, and abuse children under 12 to avoid sentencing enhancements for repeat offenses.

Congress always intended for children to have the greatest protections, and we must ensure that our laws reflect that intent.

The next part of H.R. 6847, the ''Ratcliffe bill,'' closes yet another loophole regarding offenders who commit violent crimes while they are in noncompliant status as sex offenders. Currently, this enhancement applies only to those who committed crimes of violence under Federal, Tribal, D.C., or military law, and the law of any territory or possession of the United States.

This bill adds State crimes of violence as predicate convictions, thus ensuring all sex offenders who have been convicted of crimes of violence face heightened punishment where they fail to register.

Presently, certain recidivist provisions are not consistent with respect to conduct covered when someone has a prior sex conviction under Federal and State law, as opposed to military law. For instance, under current law, an offender with certain prior military child pornography convictions would not qualify for a sentencing enhancement that someone convicted under a Federal statute would, even if their conduct was the same. This bill fixes this and makes sure that those recidivist enhancements are applied consistently.

The third part of H.R. 6847, the ''Johnson bill,'' fixes a judicially created loophole in the Federal production of child pornography statute. In United States versus Palomino-Coronado, the Fourth Circuit reversed a conviction for production of child pornography for insufficient evidence, allowing a defendant to walk free from production of child pornography charges despite photographic evidence he created that he had engaged in sexual abuse of a 7-year-old child.

In doing so, the court suggested that a defendant must initiate sexually illicit conduct with the specific intent to create child pornography. This decision has extremely undesirable consequences in the prosecution of the production of child pornography. It has created a new defense whereby a defendant can merely deny a preformed, specific intent to record a sexual offense of a minor and escape Federal conviction.

That is an outrageous result, and Congress' intervention is required to fix the statute. The creation of child pornography must be adequately deterred, and this fix ensures that it will be.

Finally, H.R. 6847 includes the Adam Walsh Reauthorization Act, introduced by Crime Subcommittee Chairman SENSENBRENNER, the author of the original Walsh Act. The bill reauthorizes the Sex Offender Management Assistance Program and provides funding for the United States Marshals Service, which is tasked with identifying and apprehending unregistered sex offenders. It also adds new provisions that aim to improve the Sex Offender Registration and Notification Act and make it easier for States to comply.

Thus far, 17 States, 108 Tribes, and 3 territories are in substantial compliance with the law. The intent of this bill is to ensure many more jurisdictions come into compliance.

Over the past several years, DOJ has worked closely with the States to achieve this goal by promulgating flexible guidelines via the continued hard work of the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, or the SMART Office.

This bill takes several concrete steps to encourage compliance. For example, it addresses concerns many have addressed about juvenile offenders. It is important to keep in mind that only juveniles who have committed the most serious sex offenses are subject to registration under SORNA. Nevertheless, this bill lessens the amount of time a juvenile who commits certain offenses and keeps a clean record must be on the registry. If these youths keep a clean record for 15 years, they may petition to leave the registry.

Additionally, the bill codifies 2016 DOJ guidelines which permit the SMART Office to deem a State in substantial compliance with the act even if it maintains a discretionary juvenile registry.

Further, the bill alleviates the cost of implementation by explicitly permitting alternative means for in-person check-ins for registrants and lessening the number of required check-ins. This is a reasonable amendment that will help States with significant rural populations achieve compliance.

I want to thank all my colleagues. I am glad to have had the opportunity to introduce the comprehensive child protection bill, which, as I have already noted, will strengthen Federal law to protect children. I also want to, again, thank Mr. RATCLIFFE, Mr. JOHNSON, and Mr. SENSENBRENNER for their work.

There can be no keener revelation of a society's soul than the way in which it treats its children. I implore my colleagues to take that to heart and support this vital, well-crafted, commonsense legislation. I urge every person in this room to consider this bill, not just as a Member of Congress, but as a parent, a grandparent, an aunt, an uncle, or a friend. Please join me today in supporting this bill and protecting our children.

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

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be on the floor with a fellow colleague in the Judiciary Committee, and we have a similar passion for children over the years.

I am pleased to be able to acknowledge the work that the Walsh family, tragically, has had to do in honor of their son, Adam Walsh, and their reauthorization act, which has had a major impact on child violent crimes. So, in this set of bills is H.R. 1188, which I intend to speak on as it relates to protecting our children, but also are bills

H.R. 1761, H.R. 1842, and H.R. 1862, which we know would expand unjust mandatory minimum sentences.

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So the Adam Walsh Act established the Sex Offender Registration Notification Act, often referred to as SORNA, as the national system for the registration of sex offenders.

Everyone knows the tragic story of young Adam Walsh and the Walsh family that has committed themselves to years of fighting against violent sex offenders who have impacted our children. The Adam Walsh Reauthorization Act, however, that is included in H.R. 6847, reflects changes recommended to SORNA by the Judiciary Committee when it last reauthorized the Adam Walsh Act in 2012 to improve the requirements for States to register sex offenders. States that fail to substantially implement SORNA are subject to a 10 percent reduction in Federal grants under the Edward Byrne Memorial Justice Assistance Grant.

Commendably, the reauthorization provisions that are included in this overall omnibus bill will allow States discretion in determining whether juvenile sex offender information will be publicly accessible via the internet, a step forward as it relates to comprehensive criminal justice reform addressing questions that recognize the difference for juveniles, and it would reduce the time that certain but not all juvenile sex offenders adjudicated as delinquent are required to register from 25 years to 15 years.

I welcome these changes as steps in the right direction, which is what happens when we work in a bipartisan manner, to address some of the existing concerns with SORNA, which I supported as H.R. 1188 last year.

Now, what has happened is that we have H.R. 6847 that incorporates a number of other bills with problematic provisions that would add new offenses to the criminal code requiring mandatory life imprisonment for certain repeat sex offenders.

No one is coddling or condoning or supporting any of these heinous acts or individuals. Under section 3559(e) of title 18 of the U.S. Code, a defendant who has been previously convicted of a felony, Federal or State, sex offense committed against a child and who is guilty of a predicate Federal sex offense against a child must be sentenced to life imprisonment.

H.R. 6847 would amend H.R. 3559 to add more Federal predicate offenses on which to base imposition of a life sentence, namely, sexual contact with a minor. Missing is the fact of not allowing judges to be involved in the sentencing of these particular offenses.

This bill would also remove the requirement that a Federal predicate offense relating to coercion or enticement of a minor be related to prostitution. As a result, this bill would allow coercion or enticement of a minor into any criminal sexual activity to serve as a basis for imposition of a mandatory life sentence. Repeat offenders, of course, would be subject to increased penalties, and, for some offenses, life imprisonment is appropriate.

Again, however, it is taking away the discretion of the judge in the review of these matters. Yet Congress should not mandate life imprisonment as the only sentencing option.

Another set of problematic provisions within H.R. 6847, unfortunately, results in the expanded imposition of mandatory minimum sentencing, and so this leads many to be concerned and to be against.

In another addition to the Federal crimes of violence already included in the statute providing penalties for failing to register as a sex offender, H.R. 6847 would add State crimes of violence as predicate offenses that, in turn, would require the imposition of a mandatory 5-year sentence to be served consecutively to any sentence imposed for failing to register or comply with sex offender registration, again, taking away the discretion of the court.

The bill 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 to life.

Lastly, the bill would amend section 2251 to create two new offenses that prohibit causing the production of a visual depiction of a minor engaged in sexually explicit conduct and the transmission or causing the transmission of a live visual depiction of a minor engaged in sexually explicit conduct, such as live-streaming.

In effect, these provisions would add a new class of offenders subject to mandatory minimum sentencing, specifically 15 to 30 years in prison. Yet this bill fails to provide any Romeo and Juliet exceptions. Consequently, the penalties apply even when conduct is consensual and when the victim and offender are close in age.

For example, if a 19-year-old and 17-year-old videoed themselves engaged in a sexual act and email the video to their own email account, the 19-year-old would be subject to mandatory minimums set by section 2251 as amended by this bill. That is why I offered an amendment when this issue was last heard before our committee.

My amendment would have been the Romeo and Juliet, which would have simply amended the provision that defines which juvenile adjudications of delinquency qualify as offenses which trigger mandatory registration.

As harsh as we need to be on these offenses, I am also concerned that we look to the reform of the juvenile system and not criminalize acts between juveniles. It would have added a new requirement that an adjudication for an otherwise qualifying offense would trigger the registration only if the judge presiding over the delinquency proceedings finds that the registration is necessary to protect the public safety based on a variety of factors.

We all have the same common goal, and that common goal is to protect our children; but, unfortunately, there are children who are actors in this, and we want to allow the judge to discern what harsh penalties they should get. Frankly, my Romeo and Juliet amendment would have responded to two kids doing what kids sometimes do. Unfortunately, those provisions were not included.

For far too long, the Federal criminal justice system has relied on an unsustainable system of mass incarceration that is largely driven by inflexible mandatory minimum sentences. Mandatory minimums are not necessary to impose appropriate sentences.

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. Therefore, I note the issues that we have with a good bill and then the imposition of mandatory minimums.

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

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

Ms. JACKSON LEE. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Committee on Education and the Workforce and former member of the House Judiciary Committee.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I rise in opposition to H.R. 6847. The legislation exposes additional persons to preexisting mandatory minimum sentences of 15, 25, 35, or even mandatory life in prison. While I support the underlying goal of punishing sex offenders and I agree that they should be punished harshly, I stand against mandatory minimums.

For decades now, extensive research and evidence has demonstrated that mandatory minimums fail to reduce crime; they discriminate against minorities; they waste the taxpayer's money; and they often require a judge to impose sentences so bizarre that they violate common sense.

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

The mandatory minimums in the code today did not get there all at once. They got there one at a time, each one part of a larger bill, which, on balance, would seem like a good idea.

Giving lip service to the suggestion that you would have preferred that the mandatory minimum not be in the bill but then vote for the bill anyway not only creates the new mandatory minimum, but it also guarantees that those who support mandatory minimums would include them in the next

crime bill. Therefore, the only way to stop passing new mandatory minimums is to stop passing bills that contain or broaden the application of mandatory minimums.

This bill is particularly appalling because it would impose mandatory minimum sentences on teenagers who are doing what many teenagers do. For example, teenage sexting is widespread, that is, texting sexually explicit pictures. Under this bill, teenagers who privately send photos of a sexual nature to each other may be prosecuted, and, if convicted, the judge must sentence them to at least 15 years in prison.

The bill explicitly states that some of these mandatory minimums will apply equally to attempts or conspiracies. That means if a teenager attempts to obtain a photo of sexually explicit conduct by requesting it from his teenage girlfriend, the judge must sentence that teenager to at least 15 years for making that attempt. Or if a teenager encourages a friend to ask another classmate to send the sexually explicit image, the friend agrees to do so and asks her, they are both guilty of conspiracy and the judge must sentence both of them to at least 15 years in prison.

Now, the term ''sexually explicit conduct'' actually includes simulated conduct. This means if a teenager asks another teenager for a photo simulating sex, then that minor, even if the minor is fully clothed, the law is violated. The teenager must get 15 years in prison.

The bill does not allow the judge to consider the fact that the conduct may be consensual conduct between minors or consensual between a 17-year-old or an 18-year-old. These circumstances are irrelevant when the sentence is mandatory.

In many cases covered by the bill, the draconian penalties are appropriate; in others, the penalties are just absurd. But because they are mandatory in the bill, they would have to be imposed anyway.

This bill wouldn't be controversial if it did not expand mandatory minimum sentences, but, unfortunately, it does. I, therefore, urge my colleagues to oppose this legislation.

Mrs. ROBY. Mr. Speaker, I continue to reserve the balance of my time

Ms. JACKSON LEE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, those who commit crimes against children—as I started out, I have been engaged in the tragedy of Adam Walsh from almost the very beginning and certainly support that legislation, but we realize that we must be very vigilant as relates to our children. There is no quarrel with that.

There is a question of mandatory minimums and the importance of giving our courts that discretion. So those who commit crimes against children deserve to be punished, and repeat offenders most certainly deserve to face increased penalties.

Nevertheless, there is a mass of us who have seen the results of mandatory minimums that result in mass incarceration. I oppose mandatory minimum sentencing and, therefore, this legislation. I believe that judges are best suited to determine just and appropriate punishment in these matters. It would have been more appropriate to separate out the Adam Walsh reauthorization legislation.

Even conservative groups agree that expanding the imposition of mandatory minimum sentences is costly and unjust. Yet, without mandatory minimum sentences, individuals convicted of serious offenses would still receive appropriately lengthy sentences.

Mr. Speaker, let me say that again. Yet, without mandatory minimum sentences, individuals convicted of serious offenses would still receive appropriately lengthy sentences.

How can we underestimate the judgment of our Federal courts and others who see these cases and know the dastardliness of them? We should not create a one-size-fits-all policy approach.

For the foregoing reasons, I would like to have these bills divided so that we can move on good bills and begin to work together for the appropriate way to punish, and punish strongly, but not build on the mountain of mass incarceration.

Mr. Speaker, I rise in opposition to H.R. 6847, the ''Preventing Child Exploitation Act of 2018,'' for several reasons.

Regrettably, I must oppose this bill because, although it substantially includes the text of H.R. 1188, the ''Adam Walsh Reauthorization Act,'' which both the House Judiciary Committee and the House passed last year, H.R. 6847 also includes the text of three other bills, H.R. 1761, H.R. 1842, and H.R. 1862 that, although the House passed last year, would expand the scope of unjust mandatory minimum sentencing provisions.

The Adam Walsh Act established the Sex Offender Registration and Notification Act—often referred to as ''SORNA''—as a national system for the registration of sex offenders.

The Adam Walsh Reauthorization Act, as included in H.R. 6847, reflects changes recommended to SORNA by the Judiciary Committee when it last reauthorized the Adam Walsh Act in 2012 to improve the requirements for states to register sex offenders.

States that fail to substantially implement SORNA are subject to a 10% reduction in federal grants under the Edward Byrne Memorial Justice Assistance Grant Program.

Commendably, the reauthorization provisions included in H.R. 6847 would allow states discretion in determining whether juvenile sex offender information will be publicly accessible via the Internet.

And, it would reduce the time that certain, but not all, juvenile sex offenders adjudicated as delinquent are required to register from 25 years to 15 years.

I welcome these changes as steps in the right direction to address some of the existing concerns with SORNA, which is why I supported H.R. 1188 last year.

Unfortunately, H.R. 6847 also incorporates a problematic provision that would add new offenses to the Criminal Code requiring mandatory life imprisonment for certain repeat sex offenders.

Under Section 3559(e) of Title 18 of the U.S. Code, a defendant who has been previously convicted of a felony federal or state sex offense committed against a child—and who is guilty of a predicate federal sex offense against a child—must be sentenced to life in prison.

H.R. 6847 would amend Section 3559 to add more federal predicate offenses on which to base imposition of a life sentence, namely sexual contact with a minor under the age of 12, aggravated sexual contact with minors between the ages of 12 and 15, and illicit sexual conduct with a minor abroad by a U.S. citizen.

The bill would also remove the requirement that a federal predicate offense relating to coercion or enticement of a minor be related to prostitution.

As a result, this bill would allow coercion or enticement of a minor into any criminal sexual activity to serve as a basis for imposition of a mandatory life sentence.

Repeat offenders should, of course, be subject to increased penalties, and for some offenses life imprisonment is appropriate. Yet, Congress should not mandate life imprisonment as the only sentencing option.

Another set of problematic provisions within H.R. 6847 unfortunately results in the expanded imposition of mandatory minimum sentences.

In addition to the federal crimes of violence already included in the statute providing penalties for failing to register as a sex offender, H.R. 6847 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, the bill 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.

Lastly, H.R. would amend section 2251 to create two new offenses that would prohibit causing the production of a visual depiction of a minor engaged in sexually explicit conduct; and the transmission, or causing the transmission of, a live visual depiction of a minor engaged in sexually explicit conduct, such as live streaming. In effect, these provisions would add new classes of offenders subject to mandatory minimum sentencing, specifically 15 to 30 years in prison. Yet, this bill fails to provide any ''Romeo and Juliet'' exceptions.

Consequently, the penalties apply even when conduct is consensual and when the victim and offender are close in age. For example, if a 19-year-old and a 17-year-old videoed themselves engaged in a sexual act, then emailed the video to their own email accounts, the 19-year-old would be subject to the mandatory minimums set by Section 2251, as amended by this bill.

Unfortunately, the commendable provisions to reauthorize the Adam Walsh Act in H.R. 6847 are weighed down by the bill's inclusion of various problematic proposals that will expand mandatory minimum sentencing.

For far too long, the federal criminal justice system has relied on an unsustainable system of mass-incarceration that is largely driven by inflexible mandatory minimum sentencing.

Mandatory minimums are not necessary to impose appropriate sentences. 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.

Therefore, I must oppose this bill and urge my colleagues to do the same.

Those who commit crimes against children deserve to be punished and repeat offenders most certainly deserve to face increased penalties.

Nevertheless, I oppose mandatory minimum sentencing and, therefore, I must oppose this legislation. I believe that judges are best suited to determine just and appropriate punishments in these matters.

Even conservative groups agree that expanding the imposition of mandatory minimum sentences is costly and unjust. Yet, without mandatory minimum sentences, individuals convicted of serious offenses would still receive appropriately lengthy sentences, but we should not create a one-size-fits-all policy approach.

For the foregoing reasons, I urge my colleagues to oppose H.R. 6847.

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

Mrs. ROBY. Mr. Speaker, I yield myself such time as I may consume to close.

Mr. Speaker, first, we need to make clear that this bill does not expand law to go after teenagers for sexting. Under present law, technically, such changes may be possible. However, we know of no instance where the Department of Justice has pursued such cases.

When these bills were initially passed, the press falsely claimed that they would make it possible for DOJ to go after teen sexting. This is completely reckless journalism. Apparently, these journalists did not participate in any sort of fact checking, which would have merely consisted of opening a U.S. Criminal Code book. They also continually cite State cases as examples of Federal prosecutors acting aggressively, which is similarly extremely misleading. If our friends across the aisle would like to draw our attention to any cases where the Federal Government prosecuted consensual teen sexting, we would be happy to look at them.

Last year, we offered to work on a provision to provide an affirmative defense in this chapter of the code, despite no evidence that it is necessary, but we were not taken up on our offer.

□ 1945

None of these bills, Mr. Speaker, create new mandatory minimum sentences. Instead, they modify the existing statutory framework to ensure the existing enhancements are applied equitably and to close certain loopholes.

Some of the conduct covered is modestly expanded, but that is done commensurate with the crime. These recidivism enhancements are for these predatory crimes, especially where the defendant has previously sexually abused a child, which is the case for the enhancement in 18 U.S.C. 3559(e).

Society's laws need to address the problems of the day and protect the public, especially our children. Sex crimes against children are ubiquitous. Their number, as we heard in our child protection hearing last month, is growing.

Additionally, the offenses are becoming more depraved, and the victims are getting younger. There is no sign of slowing down, and present law does not appear to be keeping up with the numbers.

The gravity and growing prevalence of these crimes merit an appropriate societal response to have a proper deterrent effect. The enhancements provide this deterrent effect.

In addition, these child sex crimes are vastly underreported. In these sexual exploitation crimes, the victims are often very young and very impressionable. They are often scarred for life as a result of horrific abuse. The punishment must fit the crime, especially where it involves our children.

Again, my appeal to my colleagues is to consider this bill, not just as a Member of Congress, but, again, as a parent, a grandparent, an aunt, an uncle, and a friend. I urge my colleagues to adopt this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Alabama (Mrs. ROBY) that the House suspend the rules and pass the bill, H.R. 6847, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS THAT CHILD SAFETY IS THE FIRST PRIORITY OF CUSTODY AND VISITATION ADJUDICATIONS

Mr. RUTHERFORD. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 72) expressing the sense of Congress that child safety is the first priority of custody and visitation adjudications, and that State courts should improve adjudications of custody where family violence is alleged, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 72

Whereas approximately 15 million children are exposed each year to domestic violence and/or child abuse, which are often linked;

Whereas child sexual abuse is significantly under-documented, and under-addressed in the legal system;

Whereas child abuse is a major public health issue in the United States, with total lifetime estimated financial costs associated with just one year of confirmed cases of child maltreatment (including physical abuse, sexual abuse, psychological abuse and neglect) amounting to approximately $124 billion;

Whereas according to the Centers for Disease Control and Prevention, federally launched, funded and tracked longitudinal research into ''adverse childhood experiences'' (the ACEs study) has shown that ''children who experience abuse and neglect are also at increased risk for adverse health effects and certain chronic diseases as adults, including heart disease, cancer, chronic lung disease, liver disease, obesity, high blood pressure, high cholesterol, and high levels of C-reactive protein'';

Whereas research confirms that allegations of domestic violence, child abuse, and child sexual abuse are often discounted when raised in child custody litigation;

Whereas research shows that abusive parents are often granted custody or unprotected parenting time by courts, placing children at ongoing risk;

Whereas research confirms that a child's risk of abuse increases after a perpetrator of domestic violence separates from a domestic partner, even when the perpetrator has not previously abused the child;

Whereas researchers have documented a minimum of 653 children murdered in the United States since 2008 by a parent involved in a divorce, separation, custody, visitation, or child support proceeding, often after access was provided by family courts over the objections of a protective parent;

Whereas scientifically unsound theories are frequently applied to reject parents' and children's reports of abuse;

Whereas in cases involving allegations of family violence courts should rely on the assistance of third-party professionals only when they possess the proper experience or expertise for assessing family violence and trauma, and apply scientifically sound and evidence-based theories;

Whereas most States lack standards defining required expertise and experience for court-affiliated or appointed fee-paid professionals in custody litigation or the required contents of custody-related expert reports; and

Whereas custody litigation involving abuse allegations is sometimes prohibitively expensive, resulting in parental bankruptcy, as a result of court-mandated payments to appointed fee-paid professionals, in addition to attorneys' fees: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) child safety is the first priority of custody and parenting adjudications, and courts should resolve safety risks and claims of family violence first, as a fundamental consideration, before assessing other best interest factors;

(2) all evidence admitted in custody and parenting adjudications should be subject to evidentiary admissibility standards;

(3) evidence from court-affiliated or appointed fee-paid professionals regarding adult or child abuse allegations in custody cases should be admitted only when the professional possesses documented expertise and experience in the relevant types of abuse, trauma, and the behaviors of victims and perpetrators;

(4) States should define required standards of expertise and experience for appointed fee-paid professionals who provide evidence to the court on abuse, trauma and behaviors of victims and perpetrators, should specify requirements for the contents of such professional reports, and should require courts to find that any appointed professionals meet those standards;

(5) States should consider models under which court-appointed professionals are paid directly by the courts, with potential reimbursement by the parties after due consideration of the parties' financial circumstances; and