

“(5) Section 428, relating to allowances for recruiting expenses.

“(6) Section 435, relating to allowances for funeral honors duty.

“(b) REFERENCES.—The authority vested by title 37, United States Code, in the ‘military departments’, ‘the Secretary concerned’, or ‘the Secretary of Defense’ with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration when the commissioned officer corps is not operating as a service in the Navy, by the Secretary of Commerce or the Secretary’s designee.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 15(b), is further amended by inserting after the item relating to section 269, as added by such section 15(b), the following:

“Sec. 270. Applicability of certain provisions of title 37, United States Code.”.

#### SEC. 18. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”;

(2) in paragraph (2), by striking “or veteran” and inserting “, veteran, or member”;

and

(3) in paragraph (4), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”.

#### SEC. 19. ELIGIBILITY OF ALL MEMBERS OF UNIFORMED SERVICES FOR LEGION OF MERIT AWARD.

Section 1121 of title 10, United States Code, is amended by striking “armed forces” and inserting “uniformed services”.

#### SEC. 20. APPLICATION OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES TO MEMBERS OF COMMISSIONED OFFICER CORPS.

Section 4303(16) of title 38, United States Code, is amended by inserting “the commissioned officer corps of the National Oceanic and Atmospheric Administration,” after “Public Health Service.”.

#### SEC. 21. PROTECTED COMMUNICATIONS FOR COMMISSIONED OFFICER CORPS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071(a)), as amended by section 12, is further amended—

(1) by redesignating paragraphs (8) through (23) as paragraphs (9) through (24), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: “For purposes of paragraph (8) of subsection (a), the term ‘Inspector General’ in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.”.

#### SEC. 22. CRIMINAL PENALTIES FOR WEARING UNIFORM WITHOUT AUTHORITY.

Section 702 of title 18, United States Code, is amended by striking “Service or any” and inserting “Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, or any”.

#### SEC. 23. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting “in the commissioned officer corps” before “of the National”.

#### SEC. 24. REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report evaluating the current status and projected needs of the commissioned officer corps of the National Oceanic and Atmospheric Administration to operate sufficiently through fiscal year 2017.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) The average annual attrition rate of officers in the commissioned officer corps of the National Oceanic and Atmospheric Administration.

(2) An estimate of the number of annual recruits that would reasonably be required to operate the commissioned officer corps sufficiently through fiscal year 2017.

(3) The projected impact of this Act on annual recruitment numbers through fiscal year 2017.

(4) Identification of areas of duplication or unnecessary redundancy in current activities of the commissioned officer corps that could otherwise be streamlined or eliminated to save costs.

(5) Such other matters as the Secretary considers appropriate regarding the provisions of this Act and the amendments made by this Act.

#### SEC. 25. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, sections 2 through 22 shall take effect on the date that is 90 days after the date on which the Secretary of Commerce submits to Congress the report required by section 25(a).

#### ELIMINATING THE “ADULT ENTERTAINMENT” SECTION OF THE CLASSIFIED ADVERTISING WEB SITE BACKPAGE.COM

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 439 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 439) expressing the sense of the Senate that Village Voice Media Holdings, LLC should eliminate the “adult entertainment” section of the classified advertising website Backpage.com.

There being no objection, the Senate proceeded to consider the resolution.

• Mr. KIRK. Mr. President, we often hear and read about stories of young boys and girls in foreign countries forced into sexual slavery. Helpless children as young as 11 and 12 years old are threatened, abused, raped, and sold for sex. But we rarely hear about the child sex trafficking that happens here at home in Chicago, New York, Atlanta, Miami, and most major metro-

politan cities in the United States. Experts estimate that each year as many as 300,000 children are at risk of commercial sexual exploitation in the U.S. An alarming 40 percent of incidents investigated by federally funded task forces on human trafficking between 2008 and 2010 involved the sexual exploitation of a child, according to a Bureau of Justice Statistics report.

The numbers are rising, in part because it has become frighteningly simple to order a child prostitute on the Internet. One merely needs to look at the classified ads on Backpage.com, the leading Web site for prostitution advertising in the United States according to the Advanced Interactive Media, AIM, Group. The website’s “adult entertainment” section generates more than 80 percent of total prostitution advertising revenue on the web. This section includes services such as “escorts” and “body rubs,” a thinly veiled code for prostitution. Just a few clicks on this site easily enables “johns” to purchase children for sex. Law enforcement believes that the existence of Backpage encourages the recruitment of victims for sexual exploitation because it allows traffickers to operate out of sight from police patrols.

Backpage.com is owned and operated by Village Voice Media Holdings, the former parent company of the alternative weekly Village Voice publications. The company, which makes an estimated \$26 million per year from these ads, claims it polices the ads on its site, but the statistics and devastating reports say otherwise. According to the National Association of Attorneys General, 23 States have cumulatively filed more than 50 charges against suspects trafficking minors on Backpage.com.

In August 2011, nine members of the Vice Lords and other south and west side of Chicago gangs were charged with operating a major sex trafficking ring. Some of the girls forced into sexual slavery were as young as 12 years old. Victims suffered immense abuse, including beatings, branding, tattooing, death threats, being locked in car trunk, and forced to sleep outside even in cold Chicago winters. The gang members used Backpage.com to facilitate their operation.

In August 2012, Marques Williams was arrested and charged with a Federal sex trafficking complaint for trafficking a 15-year-old girl in Rochester, NY. Advertising the young girls services on Backpage.com, Williams forced her to take up to 15 customers a day.

In December 2012, Fernando Gonzales was sentenced to 20 years in prison for child sex trafficking. Fernando raped and impregnated a 16-year-old girl, then forced her into prostitution and advertised her services on Backpage.com. When the victim tried to escape, Fernando threatened to kill her and her child and then carved his initial into her arm.

Unfortunately, there are too many stories like these. As news reports of

pimps and traffickers using Backpage.com to advertise sexual services by minors continue to increase, we cannot leave our children defenseless. The profit-first mentality at Village Voice Media, which prioritizes the rights of pimps, not children, must end.

Fifty-one attorneys general, 36 clergymen, dozens of anti-trafficking organizations, columnists and editorial boards across the country, and 240,000 individuals through change.org have called on Village Voice Media to shut down the "adult entertainment" section on Backpage.com. Even John Buffalo Mailer, son of Village Voice's co-founder, publicly urged Backpage.com to eliminate the section.

Over the past year, I joined with several of my colleagues in a bipartisan fashion to work to prevent children from being exploited and trafficked on Backpage.com. In March 2012, 18 Senators joined me in a letter to the Chairman and CEO of Village Voice Media Holdings, demanding the elimination of the adult entertainment section on the classified advertising Web site. I then led an effort to bring to the attention of those advertising on Village Voice publications the kinds of activities supported by the company. As a result, eight companies and organizations responded to our letter announcing the end of their advertising relationship with the publications. This had a clear effect, as a number of then-executives at Village Voice Media Holdings spun off the weekly publications as a new company in an apparent effort to circumvent the public relations disaster Backpage.com rightly caused Village Voice Media. But children continue to be bought and sold on Backpage.com.

Senator BLUMENTHAL and I introduced S. Res. 439 as part of this effort to curb online child sexual exploitation. The legislation calls on Village Voice Media Holdings to eliminate the "adult entertainment" section of Backpage.com. By passing S. Res. 439, the U.S. Senate will present a united front in the fight against online child sex trafficking. We will be making it clear that the American public strongly condemns the facilitation and perpetuation of human trafficking by website operators. I want to especially thank Senators BLUMENTHAL, RUBIO, and CORNYN for their great partnership and leadership on this effort, hope the rest of our colleagues will join us and pass S. Res. 439.●

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 439) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 439

Whereas, according to the Department of Justice, there was a 59 percent increase in identified victims of human trafficking worldwide between 2009 and 2010;

Whereas, according to the Department of Health and Human Services, human trafficking is the fastest-growing criminal enterprise in the world;

Whereas experts estimate that up to 300,000 children are at risk of sexual exploitation each year in the United States;

Whereas experts estimate that the average female victim of sex trafficking is forced into prostitution for the first time between the ages of 12 and 14, and the average male victim of sex trafficking is forced into prostitution for the first time between the ages of 11 and 13;

Whereas the Bureau of Justice Statistics found that 40 percent of incidents investigated by federally funded task forces on human trafficking between 2008 and 2010 involved prostitution of a child or the sexual exploitation of a child;

Whereas, according to the classified advertising consultant Advanced Interactive Media Group (referred to in this preamble as "AIM Group"), Backpage.com is the leading United States website for prostitution advertising;

Whereas Backpage.com is owned by Village Voice Media Holdings, LLC (referred to in this preamble as "Village Voice Media");

Whereas the National Association of Attorneys General tracked more than 50 cases in which charges were filed against persons who were trafficking or attempting to traffic minors on Backpage.com;

Whereas Myrelle and Tyrelle Locket—

(1) in February 2011 were each sentenced to 4 years in prison on charges of trafficking of persons for forced labor or services for operating an Illinois sex trafficking ring that included minors; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Arthur James Chappell—

(1) in March 2011 was sentenced to 28 years in prison on charges of sex trafficking of a minor for running a prostitution ring with at least 1 juvenile victim in Minnesota; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Brandon Quincy Thompson—

(1) in April 2011 was sentenced to life imprisonment on charges of sex trafficking a child by force for running a South Dakota prostitution ring that involved multiple underage girls; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Clint Eugene Wilson—

(1) in May 2011 was sentenced to 20 years in prison on charges of sex trafficking of a minor by force, fraud, or coercion for forcing a 16-year-old Dallas girl into prostitution, threatening to assault her, and forcing her to get a tattoo that branded her as his property; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Demetrius Darnell Homer—

(1) in August 2011 was sentenced to 20 years in prison on charges of sex trafficking of a minor for violently forcing a 14-year-old Atlanta girl into prostitution, controlling her through beatings, threatening her with a knife, shocking her with a taser in front of another underage girl whom he had placed in prostitution, and forcing her to engage in prostitution while she was pregnant with his child; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Leighton Martin Curtis—

(1) in February 2012 was sentenced to 30 years in prison on charges of sex trafficking

of a minor and production of child pornography for pimping a 15-year-old girl throughout Florida, Georgia, and North Carolina to approximately 20 to 35 customers each week for more than a year; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Ronnie Leon Tramble—

(1) in March 2012 was sentenced to 15 years in prison on charges of sex trafficking through force, fraud, and coercion for forcing more than 5 young women and minors into prostitution over a period of at least 5 years throughout the State of Washington, during which time period he constantly subjected the victims to brutal physical and emotional abuse; and

(2) used Backpage.com to facilitate the prostitution;

Whereas, according to AIM Group, 80 percent of online prostitution advertising revenue for the month of February 2012 was attributed to Backpage.com;

Whereas, according to AIM Group, the number of Backpage.com advertisements for "escorts" and "body rubs", a thinly veiled code for prostitution, increased by nearly 5 percent between February 2011 and February 2012;

Whereas, according to AIM Group, Backpage.com earned an estimated \$26,000,000 from prostitution advertisements between February 2011 and February 2012;

Whereas Backpage.com vice president Carl Ferrer acknowledged to the National Association of Attorneys General that the company identifies more than 400 "adult entertainment" posts that may involve minors each month;

Whereas the actual number of "adult entertainment" posts on Backpage.com each month that involve minors may be far greater than 400;

Whereas, according to the National Association of Attorneys General, Missouri investigators found that the review procedures of Backpage.com are ineffective in policing illegal activity;

Whereas, in September 2010, Craigslist.com removed the "adult services" section of its website following calls for removal from law enforcement and advocacy organizations;

Whereas, by September 16, 2011, 51 attorneys general of States and territories of the United States had called on Backpage.com to shut down the "adult entertainment" section of its website;

Whereas, on September 16, 2011, the Tri-City Herald of the State of Washington published an editorial entitled "Attorneys general target sexual exploitation of kids", writing, "... we'd also encourage the owners of Backpage.com to give the attorneys general what they are asking for";

Whereas, on October 25, 2011, 36 clergy members from across the United States published an open letter to Village Voice Media in the New York Times, calling on the company to shut down the "adult entertainment" section of Backpage.com;

Whereas, on December 2, 2011, 55 anti-trafficking organizations called on Village Voice Media to shut down the "adult entertainment" section of Backpage.com;

Whereas, on December 29, 2011, the Seattle Times published an editorial entitled "Murders strengthen case against Backpage.com", writing, "Backpage.com cannot continue to dismiss the women and children exploited through the website, nor the 3 women in Detroit who are dead possibly because they were trafficked on the site. Revenue from the exploitation and physical harm of women and minors is despicable. Village Voice Media, which owns Backpage.com, must shut this site down. Until then, all the pressure that can be brought to bear must continue.";

Whereas, on March 18, 2012, Nicholas Kristof of the New York Times wrote in an opinion piece entitled "Where Pimps Peddle Their Goods" that "[t]here are no simple solutions to end sex trafficking, but it would help to have public pressure on Village Voice Media to stop carrying prostitution advertising";

Whereas, on March 29, 2012, Change.org delivered a petition signed by more than 240,000 individuals to Village Voice Media, calling on the company to shut down the "adult entertainment" section of Backpage.com;

Whereas, on January 12, 2012, John Buffalo Mailer, son of Village Voice co-founder Norman Mailer, joined the Change.org petition to shut down the "adult entertainment" section of Backpage.com, stating, "For the sake of the Village Voice brand and for the sake of the legacy of a great publication, take down the adult section of Backpage.com, before the Village Voice must answer for yet another child who is abused and exploited because you did not do enough to prevent it.";

Whereas, on March 30, 2012, a private equity firm owned by Goldman Sachs Group, Inc. completed a deal to sell its 16 percent ownership stake in Village Voice Media back to management;

Whereas, in *M.A. ex rel. P.K. v. Village Voice Media Holdings, LLC* (809 F. Supp. 2d 1041 (E.D. Mo. 2011)), the United States District Court for the Eastern District of Missouri held that section 230 of the Communications Act of 1934 (47 U.S.C. 230) (as added by section 509 of the Communications Decency Act of 1996 (Public Law 104-104; 110 Stat. 137)) protects Backpage.com from civil liability for the "horrific victimization" the teenage plaintiff suffered at the hands of the criminal who posted on the website to perpetrate her vicious crimes; and

Whereas the Communications Decency Act of 1996 (Public Law 104-104; 110 Stat. 56) and the amendments made by that Act do not preclude a service provider from voluntarily removing a portion of a website known to facilitate the sexual exploitation of minors in order to protect children in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the efforts of law enforcement agencies to provide training to law enforcement agents on how to identify victims of sex trafficking, investigate cases of sex trafficking, prosecute sex trafficking offenses, and rescue victims of sex trafficking;

(2) supports services for trafficking victims provided by the Federal Government, State and local governments, and non-profit and faith-based organizations, including medical, legal, mental health, housing, and other social services; and

(3) calls on Village Voice Media Holdings, LLC to act as a responsible global citizen and immediately eliminate the "adult entertainment" section of the classified advertising website Backpage.com to terminate the website's rampant facilitation of online sex trafficking.

#### 2012 HEISMAN MEMORIAL TROPHY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 617 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 617) congratulating the recipient of the 2012 Heisman Memorial Trophy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 617) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 617

Whereas, for the 78th time, the Heisman Memorial Trophy has been awarded to the most outstanding collegiate football player in the United States;

Whereas Johnny Manziel overcame intense competition and defied expectations during Texas A&M University's first year in the Southeastern Conference;

Whereas Manziel led the 2012 Texas A&M Aggie football team to a regular season record of 10 wins and 2 losses;

Whereas Manziel was awarded the Davey O'Brien National Quarterback Award as the top quarterback in the National Collegiate Athletic Association;

Whereas Manziel became the first freshman, and only the fifth player ever, in National Collegiate Athletic Association Football Bowl Subdivision history to achieve 3,000 passing yards and 1,000 rushing yards in a season;

Whereas Manziel became the first player in the Football Bowl Subdivision to pass for 300 yards and rush for 100 yards in the same game 3 times in his career;

Whereas Manziel holds the freshman record for quarterback rushing yards (1,114) and total yards in a season (4,600);

Whereas Manziel was assisted by the leadership of Southeastern Conference Co-Coach of the Year Kevin Sumlin, the exceptional protection of the offensive line anchored by Outland Trophy winner Luke Joeckel, and Texas A&M's 12th Man;

Whereas Manziel became the second Heisman Trophy winner at Texas A&M, preceded by John David Crow in 1957;

Whereas Manziel started the development of his athletic capabilities before attending Texas A&M in the cities of Tyler, Texas, and Kerrville, Texas;

Whereas 2012 marks the eighth time a player at a university in Texas has won the Heisman Trophy and back-to-back years of keeping the award in Texas;

Whereas the hullabaloo of Manziel becoming the first freshman to win the Heisman Trophy is another testament to the strength and skill of Texas football; and

Whereas Manziel has combined incredible talent with hard work and a good heart: Now, therefore, be it

*Resolved*, That the Senate congratulates the recipient of the 2012 Heisman Memorial Trophy.

#### DESIGNATING THE CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 627 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 627) designating the Chairman of the Senate Committee on Appropriations.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 627) was agreed to, as follows:

#### S. RES. 627

*Resolved*, That the following Senator is designated as chairman of the following committee:

COMMITTEE ON APPROPRIATIONS: Ms. Mikulski, of Maryland.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OBTAINING A CONSUMER'S INFORMED, WRITTEN CONSENT ON AN ONGOING BASIS THROUGH THE INTERNET

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the consideration of H.R. 6671 which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6671) to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, we are enacting legislation to update the Video Privacy Protection Act, VPPA, in order to permit the ongoing sharing of video viewing information via the Internet. This bill contains important digital privacy provisions that I authored in the Senate to ensure consumer control over video viewing information.

During my more than three decades in the Senate, I have worked to protect the privacy rights of American consumers. In doing so, I have joined with Democrats and Republicans alike to help guarantee the right to privacy for every citizen. Last month, the Judiciary Committee favorably reported legislation that included these video privacy updates with strong bipartisan support. I commend Senator FRANKEN for his exceptional work on this measure as the chairman of the Judiciary Committee's Subcommittee on Technology, Privacy and the Law. He held