

added as cosponsors of S. 539, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 568

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 568, a bill to extend the trade adjustment assistance program, and for other purposes.

S. 591

At the request of Mr. BLUNT, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 591, a bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes.

S. 615

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 615, a bill to provide for congressional review and oversight of agreements relating to Iran's nuclear program, and for other purposes.

S. 637

At the request of Mr. CRAPO, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 637, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 650

At the request of Mr. BLUNT, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 650, a bill to extend the positive train control system implementation deadline, and for other purposes.

At the request of Mr. THUNE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 650, supra.

S. 674

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 674, a bill to expand programs with respect to women's health.

S. CON. RES. 4

At the request of Mr. BARRASSO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution supporting the Local Radio Freedom Act.

AMENDMENTS SUBMITTED AND PROPOSED

SA 269. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 178, to provide justice for the victims of trafficking; which was ordered to lie on the table.

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SA 271. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table.

SA 272. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her

to the bill S. 178, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 269. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 178, to provide justice for the victims of trafficking; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—FAMILY-BASED FOSTER CARE SERVICES

SEC. ____ INCLUSION OF THERAPEUTIC FOSTER CARE AS MEDICAL ASSISTANCE.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) in paragraph (28), by striking “and” at the end;

(B) by redesignating paragraph (29) as paragraph (30); and

(C) by inserting after paragraph (28) the following new paragraph:

“(29) therapeutic foster care services (to the extent allowed and as defined in subsection (ee)); and”;

(2) by adding at the end the following new subsection:

“(ee)(1) For purposes of subsection (a)(29), subject to paragraphs (3) and (4), the term ‘therapeutic foster care services’ means services provided for children who have not attained age 21, and who, as a result of mental illness, other emotional or behavioral disorders, medically fragile conditions, or developmental disabilities, need the level of care provided in an institution (including a psychiatric residential treatment facility) or nursing facility the cost of which could be reimbursed under the State plan but who can be cared for or maintained in a community placement, through a qualified therapeutic foster care program described in paragraph (2).

“(2) A qualified therapeutic foster care program described in this paragraph is a program that—

“(A) is licensed by the State and accredited by the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, the Council on Accreditation, or by another equivalent accreditation agency (or agencies) as the Secretary may recognize;

“(B) provides structured daily activities, including the development, improvement, monitoring, and reinforcement of age-appropriate social, communication and behavioral skills, trauma-informed and gender-responsive services, crisis intervention and crisis support services, medication monitoring, counseling, and case management, and may furnish other intensive community services; and

“(C) provides biological parents, kinship caregivers, and foster care parents with specialized training and consultation in the management of children with mental illness, other emotional or behavioral disorders, medically fragile conditions, developmental disabilities, the impact of trauma on child and caregiver, and specific additional training on the needs of each child provided such services.

“(3) In making coverage determinations in accordance with paragraph (1), a State may employ medical necessity criteria that are similar to the medical necessity criteria applied to coverage determinations for other services and supports under this title.

“(4) For purposes of subsection (a)(29) and this subsection, therapeutic foster care serv-

ices shall not include reimbursement for any training referred to in paragraph (2)(C).”.

(b) EFFECTIVE DATE; PHASE-IN OF LICENSURE AND ACCREDITATION REQUIREMENTS.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance furnished in calendar quarters beginning on or after the date of enactment of this Act.

(2) PHASE-IN OF LICENSURE AND ACCREDITATION REQUIREMENTS.—The Secretary of Health and Human Services shall issue guidance to phase-in the application of the licensure and accreditation requirements for qualified therapeutic foster care programs specified in section 1905(ee)(2)(A) of the Social Security Act (as added by subsection (a)) over a 3-year period. Such guidance shall specify that a therapeutic foster care program that is complying with the phase-in requirements for such licensure and accreditation may be considered to be a qualified therapeutic foster care program for purposes of a State receiving payment under section 1903 of the Social Security Act for furnishing medical assistance for therapeutic foster care services provided through such a program if the program also meets the conditions described in subparagraphs (B) and (C) of section 1905(ee)(2) of such Act.

SA 270. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 178, to provide justice for the victims of trafficking; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE IV—BETTER RESPONSE FOR VICTIMS OF CHILD SEX TRAFFICKING

SEC. 401. SHORT TITLE.

This title may be cited as the “Ensuring a Better Response for Victims of Child Sex Trafficking”.

SEC. 402. CAPTA AMENDMENTS.

(a) STATE PLANS.—Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended—

(1) in subsection (b)(2)(B)—

(A) in clause (xxii), by striking “and” at the end; and

(B) by adding at the end the following:

“(xxiv) provisions and procedures requiring identification and assessment of all reports involving children known or suspected to be victims of sex trafficking (as defined in section 103(9)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102 (9)(B)); and

“(xxv) provisions and procedures for training child protective services workers about identifying, assessing, and providing comprehensive services for children who are sex trafficking victims, including efforts to coordinate with State law enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters to serve this population;”;

(2) in subsection (d), by adding at the end the following:

“(17) The number of children determined to be victims described in subsection (b)(2)(B)(xxiv).”.

(b) SPECIAL RULE.—

(1) IN GENERAL.—Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g) is amended—

(A) by striking “For purposes” and inserting the following:

“(a) DEFINITIONS.—For purposes”;

(B) by adding at the end the following:

“(b) SPECIAL RULE.—

“(1) IN GENERAL.—For purposes of section 3(2) and subsection (a)(4), a child shall be considered a victim of ‘child abuse and neglect’ and of ‘sexual abuse’ if the child is identified, by a State or local agency employee of the State or locality involved, as

being a victim of sex trafficking (as defined in paragraph (10) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) or a victim of severe forms of trafficking in persons described in paragraph (9)(A) of that section.

“(2) STATE OPTION.—Notwithstanding the definition of ‘child’ in section 3(1), a State may elect to define that term for purposes of the application of paragraph (1) to section 3(2) and subsection (a)(4) as a person who has not attained the age of 24.”.

(2) CONFORMING AMENDMENT.—Section 3(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended by inserting (“including sexual abuse as determined under section 111”) after “sexual abuse or exploitation”.

(3) TECHNICAL CORRECTION.—Paragraph (5)(C) of subsection (a), as so designated, of section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g) is amended by striking “inhumane,” and inserting “inhumane.”.

SA 271. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 178, to provide justice for the victims of trafficking; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . AMENDMENTS TO THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

The McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended—

- (1) in section 103—
 - (A) in subsection (a)—
 - (i) in paragraph (5)(A)—
 - (I) by striking “are sharing” and all that follows through “charitable organizations.”;
 - (II) by striking “14 days” each place that term appears and inserting “30 days”;
 - (III) in clause (i), by inserting “or” after the semicolon;
 - (IV) by striking clause (ii); and
 - (V) by redesignating clause (iii) as clause (ii); and
 - (ii) by amending paragraph (6) to read as follows:
 - “(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—
 - “(A) are certified as homeless by the director or designee of a director of a program funded under any other Federal statute; or
 - “(B) have been certified by a director or designee of a director of a program funded under this Act or a director or designee of a director of a public housing agency as lacking a fixed, regular, and adequate nighttime residence, which shall include—
 - “(i) temporarily sharing the housing of another person due to loss of housing, economic hardship, or other similar reason; or
 - “(ii) living in a room in a motel or hotel.”;
 - (B) by adding at the end the following:
 - “(f) OTHER DEFINITIONS.—In this section—
 - “(1) the term ‘other Federal statute’ has the meaning given that term in section 401; and
 - “(2) the term ‘public housing agency’ means an agency described in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)).”;
- (2) in section 401—
 - (A) in paragraph (1)(C)—
 - (i) by striking clause (iv); and
 - (ii) by redesignating clauses (v), (vi), and (vii) as clauses (iv), (v), and (vi), respectively;
 - (B) in paragraph (7)—
 - (i) by striking “Federal statute other than this subtitle” and inserting “other Federal statute”;

(ii) by inserting “of” before “this Act”;

(C) by redesignating paragraphs (14) through (33) as paragraphs (15) through (34), respectively; and

(D) by inserting after paragraph (13) the following:

“(14) OTHER FEDERAL STATUTE.—The term ‘other Federal statute’ includes—

“(A) the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

“(B) the Head Start Act (42 U.S.C. 9831 et seq.);

“(C) subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.);

“(D) section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h));

“(E) section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

“(F) the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.); and

“(G) subtitle B of title VII of this Act.”;

(3) by inserting after section 408 the following:

“SEC. 409. AVAILABILITY OF HMIS REPORT.

“(a) IN GENERAL.—The information provided to the Secretary under section 402(f)(3) shall be made publically available on the Internet website of the Department of Housing and Urban Development in aggregate, non-personally identifying reports.

“(b) REQUIRED DATA.—Each report made publically available under subsection (a) shall be updated on at least an annual basis and shall include—

“(1) a cumulative count of the number of individuals and families experiencing homelessness;

“(2) a cumulative assessment of the patterns of assistance provided under subtitles B and C of this title for the each geographic area involved; and

“(3) a count of the number of individuals and families experiencing homelessness that are documented through the HMIS by each collaborative applicant.”;

(4) in section 422—

(A) in subsection (a)—

(i) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(ii) by adding at the end the following:

“(2) RESTRICTION.—In awarding grants under paragraph (1), the Secretary may not consider or prioritize the specific homeless populations intended to be served by the applicant if the applicant demonstrates that the project—

“(A) would meet the priorities identified in the plan submitted under section 427(b)(1)(B); and

“(B) is cost-effective in meeting the overall goals and objectives identified in that plan.”; and

(B) by striking subsection (j);

(5) in section 424(d), by striking paragraph (5);

(6) in section 427(b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (vi), by adding “and” at the end;

(II) in clause (vii), by striking “and” at the end; and

(III) by striking clause (viii);

(ii) in subparagraph (B)—

(I) in clause (iii), by adding “and” at the end;

(II) in clause (iv)(VI), by striking “and” at the end; and

(III) by striking clause (v);

(iii) in subparagraph (E), by adding “and” at the end;

(iv) by striking subparagraph (F); and

(v) by redesignating subparagraph (G) as subparagraph (F); and

(B) by striking paragraph (3); and

(7) by amending section 433 to read as follows:

“SEC. 433. REPORTS TO CONGRESS.

“(a) IN GENERAL.—The Secretary shall submit to Congress an annual report, which shall—

“(1) summarize the activities carried out under this subtitle and set forth the findings, conclusions, and recommendations of the Secretary as a result of the activities; and

“(2) include, for the year preceding the date on which the report is submitted—

“(A) data required to be made publically available in the report under section 409; and

“(B) data on programs funded under any other Federal statute.

“(b) TIMING.—A report under subsection (a) shall be submitted not later than 4 months after the end of each fiscal year.”.

SA 272. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 178, to provide justice for the victims of trafficking; which was ordered to lie on the table; as follows:

On page 95, after line 18, insert the following:

SEC. ____ . FEDERAL CRIMINAL PROCEDURE POST-CONVICTION RELIEF FOR VICTIMS OF TRAFFICKING.

(a) IN GENERAL.—Chapter 237 of title 18, United States Code, is amended by adding at the end the following:

“§ 3772. Motion to vacate; expungement; motion to dismiss

“(a) DEFINITIONS.—In this section—

“(1) the term ‘eligible entity’ includes—

“(A) a legal aid society or legal services organization that provides indigent legal services;

“(B) a nonprofit organization that provides legal services to victims of trafficking; and

“(C) a public defender’s office;

“(2) the terms ‘employee’ and ‘officer’ have the meanings given the terms in section 2105 of title 5; and

“(3) the term ‘victim of trafficking’ has the meaning given the term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

“(b) MOTION TO VACATE.—

“(1) IN GENERAL.—A person convicted of any offense against the United States may move the appropriate district court of the United States to vacate the judgment of conviction if the offense was committed as a direct result of the person having been a victim of trafficking.

“(2) CONTENTS OF MOTION.—A motion described in paragraph (1) shall—

“(A) be in writing;

“(B) describe any supporting evidence;

“(C) state the offense and

“(D) include copies of any documents showing that the movant is entitled to relief under this section.

“(3) HEARING.—

“(A) MANDATORY HEARING.—

“(i) MOTION IN OPPOSITION TO MOTION TO VACATE.—Not later than 30 days after the date on which a motion is filed under paragraph (1), the Government may file a motion in opposition of the motion filed under paragraph (1).

“(ii) MANDATORY HEARING.—If the Government files a motion described in clause (i), not later than 15 days after the date on which the motion is filed, the court shall hold a hearing on the motion.

“(B) DISCRETIONARY HEARING.—If the Government does not file a motion described in subparagraph (A)(i), not later than 45 days after the date on which a motion is filed under paragraph (1), the court may hold a hearing on the motion.

“(4) FACTORS.—The court shall grant a motion under this section if, after notice to and

opportunity for the Government to be heard, the court finds, by a preponderance of the evidence, that—

“(A) the movant was convicted of an offense against the United States; and

“(B) the participation in the offense by the movant was a result of the person having been a victim of trafficking.

“(5) SUPPORTING EVIDENCE.—

“(A) REBUTTABLE PRESUMPTION.—For purposes of this section, there shall be a rebuttable presumption that the movant is a victim of trafficking if the movant includes in the motion—

“(i) a certified copy of an official record of a Federal, State, tribal, or local proceeding, including an approval notice or an enforcement certification generated from a Federal immigration proceeding, that shows that the movant was a victim of trafficking, including a victim of a trafficker charged with a violation of chapter 77; or

“(ii) an affidavit or sworn testimony from a trained professional staff member of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the movant has sought assistance in addressing the trauma associated with being a victim of trafficking.

“(B) OTHER EVIDENCE.—

“(i) IN GENERAL.—For purposes of this section, in determining whether the movant is a victim of trafficking, the court may consider any other evidence the court determines is of sufficient credibility and probative value, including an affidavit or sworn testimony of the movant.

“(ii) AFFIDAVIT OR SWORN TESTIMONY OF MOVANT SUFFICIENT EVIDENCE.—The affidavit or sworn testimony of the movant described in clause (i) shall be sufficient evidence to vacate a conviction under this section if the court determines that—

“(I) the affidavit or sworn testimony is credible; and

“(II) no other evidence is readily available.

“(6) CONVICTION NOT REQUIRED.—It shall not be necessary that any person other than the movant be convicted of an offense against the United States before the movant may file a motion under paragraph (1).

“(7) DENIAL OF MOTION.—

“(A) IN GENERAL.—If the court denies a motion filed under paragraph (1), the denial shall be without prejudice.

“(B) REASONS FOR DENIAL.—If the court denies a motion filed under paragraph (1), the court shall state the reasons for the denial in writing.

“(C) REASONABLE TIME TO CURE DEFICIENCIES IN MOTION.—If the motion was denied due to a curable deficiency in the motion, the court shall allow the movant sufficient time for the movant to cure the deficiency.

“(8) APPEAL.—An order granting or denying a motion to vacate under this section may be appealed in accordance with section 1291 of title 28 and section 3731 of this title.

“(c) EXPUNGEMENT.—

“(1) IN GENERAL.—If the court grants a motion to vacate under subsection (b), the court shall immediately vacate the conviction, set aside the verdict and enter a judgment of acquittal, and enter an expungement order that directs that there be expunged from all official records all references to the—

“(A) arrest of the person for the offense;

“(B) the institution of criminal proceedings against the person; and

“(C) the results of the proceedings.

“(2) EFFECT.—The effect of an order entered under paragraph (1) shall be to restore the person, in the contemplation of the law, to the status the person occupied before the arrest or the institution of the criminal proceedings.

“(d) PRETRIAL MOTION TO DISMISS.—

“(1) IN GENERAL.—A person charged with an offense against the United States may move to dismiss the indictment, information, or complaint if the participation in the offense by the person was a result of the person having been a victim of trafficking.

“(2) APPLICABLE RULES GOVERNING MOTION.—

“(A) IN GENERAL.—A motion described in paragraph (1) shall—

“(i) be deemed to be a motion described in rule 12(b)(3)(B)(v) of the Federal Rules of Criminal Procedure; and

“(ii) except as provided in subparagraph (B), be governed by the rules applicable to that motion.

“(B) RULING ON MOTION.—Notwithstanding rule 12(d) of the Federal Rules of Criminal Procedure, the court—

“(i) shall decide a motion under this subsection before trial; and

“(ii) may not defer ruling on the motion until during or after trial.

“(e) ADDITIONAL ACTIONS BY COURT.—The court may, upon granting a motion under this section take such additional action as the court determines is appropriate.

“(f) CONFIDENTIALITY OF MOVANT.—

“(1) IN GENERAL.—A motion under this section and any documents, pleadings, or orders relating to the motion shall be filed under seal.

“(2) INFORMATION NOT AVAILABLE FOR PUBLIC INSPECTION.—No officer or employee may make any report, paper, picture, photograph, court file or other document, in the custody or possession of the officer or employee, that identifies the movant available for public inspection.

“(g) APPLICABILITY.—This section shall apply to any conviction before or on or after the date of enactment of this section.

“(h) GRANT FOR BEST PRACTICES.—

“(1) IN GENERAL.—On and after the date that is 1 year after the date of enactment of this section, the Attorney General of the United States may make grants to eligible entities to develop, improve, or expand legal services to carry out this section.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section, including providing organizations and agencies with funds to train legal aid services on motions practices under this section.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections of chapter 237 of title 18, United States Code, is amended by adding at the end the following:

“3772. Motion to vacate; expungement; motion to dismiss.”

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 101-509, the reappointment of the following individual to serve as a member of the Advisory Committee on the Records of Congress: Deborah Skaggs Speth of Kentucky.

The Chair, on behalf of the Vice President, pursuant to Public Law 93-642, appoints the following Senator to be a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation: The Honorable CLAIRE McCASKILL of Missouri.

ORDERS FOR TUESDAY, MARCH 10, 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it adjourn until 10 a.m., Tuesday, March 10; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided, with the majority controlling the first half and the Democrats controlling the second half; further, that at 11 a.m. the Senate proceed to the consideration of S. 178 under the previous order, for debate only, until 12:30 p.m., with the time equally divided; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings.

The PRESIDING OFFICER. Is there objection?

Mr. WHITEHOUSE. Mr. President, reserving the right to object, may I say that for many of our States, climate change is a reality and even a daunting one. We look forward to working on the question posed by the Energy and Natural Resources Committee chair: What do we do? But in order to do so we need something from the majority to work with.

With that said, I do not object, and I thank the majority leader for his courtesy.

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

Mr. McCONNELL. Mr. President, I might say to my friend from Rhode Island, his amendment on climate change was a part of the Keystone bill the President vetoed. I know he and I have very different views about this. What may be challenging for his State is equally challenging in mine. We have a depression in the coalfields of Eastern Kentucky. It is a pretty grim picture. We all know Rhode Island and Kentucky may see this issue quite differently.

ORDER FOR ADJOURNMENT

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator BROWN.

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

Mr. WHITEHOUSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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