

Here is the tragedy. Four days after Kelsey disappeared, authorities were finally able to locate her body after her wireless provider released the “ping” or call location information from her cell phone. It took 4 days to get that vital information. Providing this information as fast as possible is absolutely critical to ensure law enforcement officials can rescue victims in imminent danger of death or serious physical harm and hopefully prevent future cases similar to Kelsey’s.

This amendment is a culmination of years of work between legislatures at both the Federal and State level, industry stakeholders, private advocates and, most importantly, Kelsey’s brave parents who spearheaded this initiative and advocated to create commonsense reforms that properly balance the needs of law enforcement with the Fourth Amendment protections of all citizens.

Through their advocacy and tireless efforts, Missey and Greg Smith have helped enact laws in 17 States, including my home State of Kansas, to provide law enforcement with the necessary tools to rescue individuals in emergency situations where the threat of death or serious bodily injury is imminent.

The impact of this law at the State level has been real and measurable. For example, in May of 2012, 1 month after the enactment of the State’s version of the Kelsey Smith Act, local authorities in Tennessee were successful in saving the life of a child who had been abducted by a suspected child rapist. Because the child was believed to be in imminent danger, police were able to receive the location of the suspect’s cell phone in a window of time that led to the safe recovery of the child alive and before she was assaulted.

According to the Center for Missing and Exploited Children, the first 3 hours are critical to recovering a child alive. This is why it is necessary that in these few isolated instances where a person’s very life is at stake, an exemption should be made to release the whereabouts of that individual. Understanding this, my amendment would provide law enforcement with the ability to recover the location of children and other missing individuals in only very specific emergency situations, namely when there is risk of death or serious bodily injury, but in order to obtain the location, law enforcement must first provide a sworn written statement to the telecommunications providers stating the facts that support probable cause to believe that disclosure of the location is required to prevent death or serious bodily injury. Furthermore, 48 hours after the location is disclosed to law enforcement, they must request a court order stating whether such agency had probable cause to believe the facts surrounding the rescue or recovery were warranted.

The privacy of every Kansan, and every American for that matter, is extremely important and that is why my

amendment includes this language to put into place safeguards against possible abuses of authority by law enforcement. I believe my amendment strikes the appropriate balance between the ability for law enforcement to help individuals in grave danger while also ensuring that proper checks are in place to guard against any overreach by the government.

Kelsey was never given the opportunity to attend college or get married or have children and experience the American dream that many of us take for granted every day, but what she did do was inspire her mother and father to make it their mission in life to help educate and empower communities and children to help prevent another case like this from happening again.

Kelsey’s father, Greg, a former law enforcement officer himself and a Kansas State Senator representing parts of Johnson County, said it best when he quoted Abraham Lincoln to describe what Kelsey had accomplished: “In the end, it’s not the years in your life that counts. It’s the life in your years.”

I thank my colleagues for the opportunity to speak on the floor today, and I would have liked to have offered my commonsense amendment that would help prevent tragedies like Kelsey’s, so I ask every colleague in this body to ask one question: If it were your child, your grandchild, your spouse, would you not want law enforcement to have immediate access to this information?

Let’s honor Kelsey’s memory by passing this legislation whether it is stand-alone legislation or in amendment form. I had every intention to ask for a vote on my amendment. I believe I would have had my colleagues’ support on both sides of the aisle. This legislation is long overdue and so is the trafficking bill.

At this time we are grateful for those who use their abilities and skills in ways that promote justice and goodwill in our land and to promoting the good of every citizen. That is, unfortunately, not happening at this time. We have objections from the minority over a provision that has been in law for 36 years.

This is delay again for Kelsey Smith and amendments such as mine that I think have bipartisan support. In this regard I am frustrated, and I think it is shameful.

I yield the floor.

It would appear to the Senator from Kansas that there is not a quorum.

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

The PRESIDING OFFICER (Mr. ROUNDS). Without objection, it is so ordered.

## HUMAN TRAFFICKING LEGISLATION

Mr. DURBIN. Mr. President, I am proud to join several of my colleagues this morning in submitting a substitute amendment to the Justice for Victims of Trafficking Act of 2015.

Human trafficking is a global scourge, and we should be working on a bipartisan basis and on a bicameral basis to stop it. However, I am deeply concerned to learn that our friends on the other side of the aisle have inserted a worrisome provision into this year’s version of the bill. This provision would expand upon the so-called Hyde amendment which restricts funds for women’s reproductive health choices. The new language, which has been offered by Senator CORNYN from Texas, would set a new, dangerous precedent by enabling Hyde restrictions to apply to nontax funding streams set forth in this bill.

This language paves the way for political leaders in the future to interfere even more with a woman’s basic personal health decisions, and it sets the tone for a dramatic expansion of abortion restriction for years to come.

I am upset about this provision in that it shouldn’t be in this bill. This bill is not about abortion, it is about human trafficking. Instead, this provision has now become another opportunity for political speeches and delay.

The good news is the Justice for Victims of Trafficking Act can still be bipartisan, and we have high hopes it will be. Democrats are ready to work with Republicans to fix this bill and move past the partisan obstacle which literally stopped us this week from doing anything.

The substitute amendment removes the Hyde restrictions from the Justice for Victims of Trafficking Act. It includes two important bipartisan pieces of legislation, the Runaway and Homeless Youth and Trafficking Prevention Act, originally offered by Senator LEAHY, and the Stop Exploitation Through Trafficking Act sponsored by Senator KLOBUCHAR.

We know that colleagues can work on a bipartisan basis to effectively address this issue. I urge my colleagues, when we look at what we have done so far in this session of Congress, we have very little to show for the time we have spent here. This is an opportunity to pass a bipartisan human trafficking bill—not a grab bag for every notion or idea any Senator has on any subject, but one that addresses a very serious issue.

I also know that another Senator from Louisiana on the Republican side has an amendment which he wishes to offer on this bill which, again, has nothing to do with human trafficking.

Senator VITTER offers an amendment that would deny citizenship at birth to children born in the United States unless one of the parents of the child is a U.S. citizen, national permanent resident, or an actively serving armed services member.

As the ranking member of the constitution subcommittee on the Judiciary Committee, let me begin with the obvious for my colleagues in the Senate: Birthright citizenship is a constitutional right. Congress can't amend that amendment with a statute. I would think that every Senator knows that. To put this provision before us is merely to try to provoke a debate on a bill which has no impact on the Constitution.

The citizenship clause of the 14th Amendment states: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside."

I urge my colleagues, particularly the one offering this amendment, to pick up the Constitution and read it. The 14th Amendment is as clear as can be.

The citizenship clause has been restated and established by four centuries of Anglo-American jurisprudence. The 14th Amendment raised the short-lived exception to birthright citizenship that was established by the infamous Dred Scott decision of 1857. We certainly remember that. It was one of the provocations that led to a civil war in this country. We should take this issue extremely seriously.

The Supreme Court has repeatedly ruled that the 14th Amendment applies to U.S.-born children of noncitizens. What part of that does the author of this amendment not understand?

The Court rejected arguments that the son of Chinese nationals, who were forbidden under the Chinese Exclusion Act from ever becoming U.S. citizens, could be deprived of citizenship because of his parents' status.

The Supreme Court ruled that: "Nothing is better settled at the common law than the doctrine that the children, even of aliens . . . are subjects at birth." Subsequent decisions have backed that up.

The famous case of *Plyer v. Doe* basically said—the Court reasoned that even if the Court wanted to control the conduct of adults, "legislation directing the onus of the parent's misconduct against his children does not comport with fundamental concepts of justice." The law is clear.

So this amendment being offered by Senator VITTER is a provocative, unnecessary, and basically feckless effort to stall an important bill that should be passed on a bipartisan basis.

I hope my colleagues, whatever their feelings on this issue, will understand, you cannot amend the Constitution by a statute. I thought that was in basic Senate 101, but we have to get back to it to make clear that my colleagues understand this important human trafficking bill should not be bogged down or stopped with issues such as abortion—as important as it is—which should be saved for a separate debate, or this effort to amend the U.S. Constitution with an amendment on the floor to a statute. That certainly is not

a good way for us to accomplish things in the Senate.

#### FOR-PROFIT SCHOOLS

Mr. DURBIN. Mr. President, I have been coming to this floor for a long time. The Presiding Officer is new to the body so I know he has been spared my speeches on the subject talking about for-profit colleges.

This is an industry that lures students with flashy ads and misleading promises, gobbles up the Federal loan and grant money these students can bring to them and then ends up producing students—if they are lucky enough to get a diploma—who can't find good-paying jobs. To understand the for-profit college industry in America today, you only need to know three numbers—and for those who are listening, this will be on the final. Here are the three numbers: For-profit colleges enroll ten percent of college students in the United States of America. When you think of for-profit colleges, think of University of Phoenix, DeVry, Kaplan. There are a lot of them. Ten percent of college students go to these schools.

These schools, the for-profit schools, receive 20 percent of the Federal aid to education.

Why do they get so much if they only have 10 percent of the students? They charge so much. Their tuition goes through the roof. Ten percent of the students, 20 percent of the Federal aid to education. But this is the number I don't want you to forget—44.

Forty-four percent of all student loan defaults are students of for-profit schools. What does that tell us? It tells us these students are getting in over their heads. They are borrowing too much money. It tells us these students are dropping out and unable to pay their loans or end up with a worthless diploma and can't find a job.

How can the Senate stand back and say this is acceptable? For-profit colleges are the most heavily subsidized private companies in America today—the most heavily subsidized.

In the home State of the Presiding Officer and mine, we have some farmers. Our farmers get kicked around a little bit about all of the Federal money they receive. Our farmers don't hold a candle to the for-profit colleges and universities.

These folks have turned siphoning money out of the Federal Treasury into an art form. The money they pay the CEOs who engineer these arrangements is in the millions of dollars each year, all Federal dollars, virtually all, 90, 95 percent of Federal dollars. How can you call yourself a private, for-profit company, when 80 to 90 percent of your money is coming directly from the Federal Government?

As a matter of fact, this industry, the for-profit college industry, if we took the money we spent in subsidies to these schools, would be the ninth largest Federal agency in Washington.

Yet many flinty conservatives who hate subsidies and hate deficits look the other way: Oh, it is a private company—10 percent of the students, 20 percent of the aid in Federal education, 44 percent of all the student loan defaults—and they are getting 80 to 90 percent from the Federal Treasury and we are supposed to look the other way?

From time to time, students come and sit in our galleries. Many of them are soon to graduate from high school. They will be inundated by these for-profit schools.

As soon as you reach a certain age, you can't log onto your computer without these schools roaring at you about the great deals they have to offer. I took a look back in recent memory. They actually ran an ad before the Presiding Officer was elected, and it was an ad that was on local television here. It showed a very attractive young lady in her pajamas, lounging on her bed, and she had her laptop computer. She said in this ad: I am going to college in my pajamas. I am going to a for-profit college—I don't even have to get out of my pajamas, I can go to college.

That is a bad joke, and unfortunately too many people are lured into this belief: I can just log on and get a degree. Well, it turns out many times it is too darned expensive—and it is worthless, if you ever get it.

The stories that come to my office of young people who signed up for these for-profit schools and ended up with more debt than they could ever possibly imagine are horrifying. Imagine a 30-year-old woman in the suburbs of Chicago with over \$100,000 in debt and a worthless degree from Westwood College, one of the for-profit colleges in the Chicagoland area.

She watched all these crime shows on television, and they told her she could go into law enforcement with this degree. She spent 5 years, over \$100,000 in debt, and not a single law enforcement agency in the Chicagoland area would recognize that degree.

Was she ever told that along the way with all those fancy ads? Never. So I say to students: Think twice about these for-profit schools.

But I want to say a word about one particular instance that bothers me a lot. Corinthian was one of the largest—most people didn't know Corinthian as a for-profit school, but they knew some of the schools that were involved in it. Everest Colleges were owned by Corinthian.

Well, it turned out that Corinthian ran into a problem. Corinthian Colleges was falsifying information they gave to the Federal Government. The Federal Government asked Corinthian Colleges, as it asks all of these other for-profit colleges: How many of your students get jobs after they graduate?

Corinthian was falsifying the students getting jobs. In fact, Corinthian had this arrangement with many companies. They would give them \$1,000 and say: Can you hire our graduates for a month? You can let them go, but hire