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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal God, You rule the Earth with goodness. Great and marvelous are Your works. Help us so to live that we can be Your instruments for good in our world. Lord, fill our hearts with Your peace and undergird us with the unfolding of Your loving providence.

Bless our Senators. Enlighten and illumine them that they may know You and Your precepts. Touch their lips so that they may speak no words that grieve You. Give them faith for every challenge, strength for every temptation, and wisdom for every perplexity.

We pray in Your majestic Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROUNDS). The majority leader is recognized.

HUMAN TRAFFICKING LEGISLATION

Mr. McCONNELL. Mr. President, human trafficking affects every State in this Nation—every single one of them. In Kentucky we have heard reports of victims as young as 2 months old—2-month-old victims of human

trafficking. We heard about a Kentuckian who said she was sold for sex from the age of 5 until she was able to physically break free as an adult. Stories such as these may shock the conscience, but they are hardly unique in our country.

The Judiciary Committee recently heard the story of Aviva, who was barely a teenager when she was kidnapped and forced into modern slavery. Listen to this. Aviva was sold to as many as 10 different men a night. Freedom was stolen from her, innocence ripped away. Aviva's trafficker tried to stamp out everything that made Aviva Aviva. Aviva even forgot what it felt like to be human anymore.

Democrats have said they were in favor of helping victims such as Aviva. Democrats demanded that I bring the Justice for Victims of Trafficking Act to the floor. But now that the very legislation is here on the floor, our Democratic friends seem to have changed their tune completely—a totally different tune. Now that they have a chance to actually help the victims, they decided they are more concerned about a few sentences in the bill—a provision they seemed perfectly fine with until just recently. They are more concerned about those few sentences than actually solving the problem the bill would address.

Now, this provision has been included in countless bills they have voted for and cosponsored. It is language they were perfectly happy to endorse again in another bill this very week—2 days ago. But that bill was designed to help doctors, not children enslaved by sex traffickers. So it is OK to vote for that kind of language if you are trying to help doctors, but not OK to vote for that kind of language if you are trying to help these poor young children. Obviously our Democratic friends think that doctors are worthy of their help. What about the victims of modern slavery?

Now, the rationale for this filibuster seems to shift by the day, and it is al-

most incomprehensible. Their foremost concern seems to be about treating this specific kind of money this way, versus treating that specific kind of money that way. It is hard to follow; isn't it? Focusing all their attention not on the victims of these crimes but on financial assessments levied on the people who perpetrate them—the traffickers.

Honestly, I am not sure why anyone would think money collected from criminals ought to get more consideration than money collected from law-abiding taxpayers. What a strange argument. But this is where they have planted their flag. That ridiculous argument is where they have planted their flag.

Their contention is essentially that the victims of trafficking should get no help at all because Democrats say the money they would receive might be considered "private" and that this bill should not pass, therefore, because the bipartisan Hyde principles it contains might apply to those private funds. If that argument sounds contrived and illogical to you, you are not alone.

Now we find out it is not even true. Let me repeat that. The very heart of the Democrats' argument isn't even true. That is what the nonpartisan Congressional Research Service told us just yesterday.

So I would ask my Democratic friends to listen to this closely. CRS, the Congressional Research Service, answered some very straightforward questions posed by the senior Senator from Texas, my friend and colleague Senator CORNYN. Here is what they said to Senator CORNYN: Money deposited in the General Treasury from traffickers, as the Federal law requires, is Federal money, according to CRS.

So let me repeat. The Democrats have been blocking an antislavery bill over money they call private, and they are not even correct about this. Our Democratic colleagues have also blocked this bill because they say Hyde has only applied to annual spending or

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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appropriations—not mandatory spending. It is another argument that the Congressional Research Service tells us is simply not true—not true.

The experts at CRS say Hyde has applied to mandatory spending of Federal funds out of the General Treasury, as the Cornyn amendment provides. And CRS concludes that Hyde just applied to mandatory spending in the very doc fix bill that 100 percent of our Democratic friends voted for 2 days ago.

Mr. President, I ask unanimous consent that the CRS memorandum be printed in the RECORD at the conclusion of my remarks.

I ask my Democratic friends to stop this. Stop this. Take a breath and think about what is being done. Children are being sold into sexual slavery, having their freedom and self-respect ripped away. Will they finally allow the Senate to help them or will they continue some debunked crusade?

We have offered several compromises to address the concerns they have raised. We will soon vote on another one that Senator CORNYN has been offering. He has been reaching out to our Democrat friends for weeks now to try to find a solution to this nonproblem. The findings of CRS make it clear that we are doing nothing extraordinary or unusual here. We are simply applying long-accepted principles that Americans overwhelmingly support. Most people would think that sounds pretty reasonable. It is time to get serious and pass this important legislation.

A large, bipartisan majority of the Senate has already voted repeatedly to approve this bill. With the support of a couple more courageous Democrats, we can bring an end to this debunked filibuster today.

The victims who survive brutal abuse don't need more of our friends' illogical contortions and justifications. They just need help, and they need it now. They need the help the Justice for Victims of Trafficking Act would provide.

Why don't we finally get around to fixing this problem? The time to do that is now.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

APRIL 15, 2015.

To: Senate Committee on the Judiciary.

From: Edward C. Liu, Legislative Attorney;
Jon O. Shimabukuro, Legislative Attorney.

Subject: Analysis of S.Amdt. 1120 to S. 178.

This memorandum responds on an expedited basis to your request for an analysis of specific questions you have posed regarding a draft amendment denoted "ALB15639" which appears to be identical to S.Amdt. 1120 to S. 178. Your questions have been reproduced below verbatim followed by our responses.

"1. DOES THE TEXT OF ALB15639 REQUIRE ALL SPECIAL ASSESSMENTS TO BE DEPOSITED IN THE GENERAL TREASURY FUND?"

Yes. Section 3302(b) of Title 31 of the United States Code, also known as the miscellaneous receipts statute, requires that all money received for the federal government

must be deposited in the General Fund of the Treasury unless disposition of the receipts is otherwise specified by law. S. 178, as amended by S.Amdt. 1120 does not appear to specify a different treatment for the assessments received.

The new §3014(d) created by S.Amdt. 1120 would specify that "consistent with [the miscellaneous receipts statute], there shall be transferred to the [Domestic Trafficking Victims'] Fund from the General Fund of the Treasury an amount equal to the amount of the assessments collected under this section, which shall remain available until expended." The transfer of funds from the General Fund does not affect the disposition of the assessments in a way that would supersede the miscellaneous receipts statute, though the end result for the respective balances of the General Fund and the Domestic Trafficking Victims' Fund appears to be mathematically equal to directly depositing the assessments into the Domestic Trafficking Victims' Fund. The conclusion that the assessments are deposited into the General Fund is reinforced by the clause requiring that the transfer occur "consistent with" the miscellaneous receipts statute.

"2. ONCE THE SPECIAL ASSESSMENTS IN ALB15639 ARE DEPOSITED INTO THE GENERAL TREASURY FUND, WOULD THEY BE CLASSIFIED AS FEDERAL FUNDS?"

Yes, amounts in the General Fund are considered "federal funds" by the Office of Management and Budget ("OMB"). In the Analytical Perspectives volume of the Budget for FY2016, OMB provides background information on budget accounts. This information would seem to be instructive for determining how funds, i.e., amounts, in the Treasury account will be classified. OMB observes:

When money is received by the federal government, it is credited to a budget account. . . . All budget accounts belong to one of two groups of funds: federal funds and trust funds. . . . The federal funds group includes the "general fund," the largest fund in the government used for the general purposes of government and special funds and revolving funds, both of which receive dedicated collections for spending on specific purposes. Where the law requires that federal fund collections be dedicated to a particular program, the collections and associated disbursements are recorded in special fund receipt and expenditure accounts. . . . Money in a special fund must be appropriated before it can be obligated and spent. The majority of special fund collections are derived from the government's power to impose taxes or fines, or otherwise compel payment.

"3. DO PRECEDENTS EXIST FOR APPLYING THE HYDE AMENDMENT TO MANDATORY SPENDING FROM THE GENERAL TREASURY FUND?"

Yes. Mandatory spending can be generally defined as federal spending which is controlled by laws other than appropriations acts. In recent years the Hyde Amendment has included a clause extending its scope to trust funds to which money was appropriated in that same annual appropriations act. For example, the consolidated appropriations act for FY2015 includes a Hyde Amendment with this clause, and also appropriates funds from the General Fund to the Federal Hospital Insurance Trust Fund. The Federal Hospital Insurance Trust Fund is used to pay for services provided to Medicare beneficiaries under Part A of the program. Because these payments from the Federal Hospital Insurance Trust Fund are controlled by the Social Security Act and are considered to be mandatory spending, this would appear to constitute an example of mandatory spending that was subject to the versions of the Hyde Amendment.

"4. IS NOT THE LANGUAGE IN SECTION 221(C) OF H.R. 2 (HYDE LANGUAGE IN HOUSE-PASSED SGR LEGISLATION) ATTACHED TO MANDATORY SPENDING FROM THE GENERAL TREASURY FUND?"

Yes. Section 221(a) of H.R. 2 amends §10503 of the Patient Protection and Affordable Care Act (ACA) which appropriates funds to the Community Health Center Fund (CHC Fund) for certain fiscal years, out of any monies in the Treasury not otherwise appropriated. Section 221 extends the funding provided in §10503 for fiscal years 2016 and 2017. Pursuant to §10503, amounts in the CHC Fund are available until expended, and are to be used by the Secretary to increase funding of community health centers and the National Health Service Corps. Subsection 221(c) of H.R. 2 further provides that:

Amounts appropriated pursuant to this section for fiscal year 2016 and fiscal year 2017 are subject to the requirements contained in Public Law 113-235 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act.

On its face, this restriction would appear to apply to the amounts appropriated to the CHC Fund for fiscal years 2016 and 2017. The spending of funds appropriated for those fiscal years would appear to be controlled by §10503 of ACA, and would not appear to be controlled by an appropriations act. Therefore, spending from the CHC Fund would appear to be classified as mandatory spending subject to the restriction in subsection 221(c) of H.R. 2.

"5. IS THE LANGUAGE ON PAGE 4, LINES 8-14 OF ALB15639 (HYDE LANGUAGE) ALSO ATTACHED TO MANDATORY SPENDING FROM THE GENERAL TREASURY FUND?"

Yes. The new 18 U.S.C. §3014(e)(3), as added by S.Amdt. 1120, states that:

Amounts transferred from the [Domestic Trafficking Victims'] Fund pursuant to this section for each of fiscal years 2016 through 2019 are subject to the requirements contained in Public Law 113-235 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act.

S.Amdt. 1120 further provides that amounts in the Domestic Trafficking Victims' Fund shall be used by the Attorney General, in coordination with the Secretary of Health and Human Services, to award grants or enhance victims' programming, "without further appropriation." This provision is found in an authorizing measure which amends Title 18 of the United States Code, and not an appropriations act.

Therefore, using the same definition of mandatory spending as provided above, the Domestic Trafficking Victims' Fund would appear to be mandatory spending that is subject to the restrictions in the new 18 U.S.C. §3014(e)(3) that would be added by S.Amdt. 1120.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

HUMAN TRAFFICKING LEGISLATION

Mr. REID. Mr. President, I am not an expert in the field of etymology, which is the study of the origin of words, but I do find the origin of English words to be enlightening. For example, the word "govern" is one we hear often in the Capitol. "Govern" is derived from the Greek word meaning "to steer or pilot