

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

a ship." The most important question for a party in power is simply this: Can you govern? I say this to my Republican friends. In other words, can you steer the ship? Can you pilot this great Nation of ours in the right direction?

We are just over 100 days in this Republican-controlled Congress, and it is already clear that the Republican leader and his side have not been up to the task. One need look no further than the Republicans' botched handling of the human trafficking bill before the Senate.

I would just say in partial response to my friend the Republican leader that I have never been a big fan of polling—political polling or any kind of polling—because you can get any answer you want by asking the right question. Of course, the Republican leader, in the questions submitted to the Congressional Research Service, asked the wrong questions.

The majority leader and the assistant majority leader took a piece of legislation and steered it right into the rocks. The ship has sprung many leaks. All Democrats and Republicans support the provisions of this bill to help the victims of sexual trafficking and hold the offenders accountable, but instead of legislating on common ground, the Republicans are legislating to obstruct. When they were in the minority, all they did was obstruct. So they know how to do that. I vouch for that. One of the things I said was that we are not going to treat them the way they treated us. And we haven't done that.

The Republicans, now in the majority, can't filibuster themselves so they are resorting to tanking good legislation—bills they themselves wrote and support—in order to score some type of political point. Does that seem like reasonable governance to anyone? I don't think so.

Yesterday, I sat listening to the majority leader—and I did today—claiming that they are seeking a compromise, even saying that Republicans have offered three compromises. Well, if we are just going on the number of offers made, we have done 10. We have made 10 good-faith offers to get this human trafficking bill on the right path. We have tried and tried and tried to reach an agreement. We have done 10. I will mention just a few.

We proposed that they strip the Hyde language from the bill. Then we proposed the Leahy substitute, which would strip the Hyde language and also include LEAHY's Runaway and Homeless Youth Act and Senator KLOBUCHAR's Stop Exploitation through Trafficking Act, which would strengthen the legislation. Then we proposed to use the entire trafficking bill passed by the House instead of the Cornyn bill. That is the bill the House passed. Let's bring it to the floor here and pass it. We even proposed to keep the Cornyn fund but use it only for law enforcement efforts to help catch sex traffickers and use the House bill's authorization for victims services, including health care.

But Republicans would not agree to any of those changes. They simply are not interested in getting to "yes." This morning, I heard some talk that maybe we can work something out. I hope that, in fact, is true. I hope they are not using this urgently needed trafficking bill to continue to push through the party's backward agenda relating to women's health.

The Hyde language—I served in the House of Representatives more than 30 years ago. I served with Congressman Hyde, a fine man. If there ever were anyone who looked like a public servant, it was Henry Hyde—big man, beautiful white hair, great speaking voice. He, this good Congressman, is responsible for the Hyde language. It has been in bills since then, but it applied and has always applied to government money, taxpayer money—taxpayer money.

What we have said over the last couple of weeks time and time again is that Hyde should not be expanded to cover nontaxpayer dollars. That is what this is all about. We are not going to bend on that issue. It is not right. We do not need to expand Hyde. We think the Republicans believe this is a way to pacify the right-to-life community, some of these—not all but some of these ideologues out there who want to expand Hyde. We are not going to allow that to happen. Hyde should apply to taxpayer-funded money and nothing else.

What has taken place on the direction of human trafficking is an effort to obfuscate—to hide the real purpose of the legislation. We all agree that human trafficking should stop. This legislation we have before us is a step in the right direction. We want to support that legislation.

My friend the Republican leader said: Well, all they are complaining about is a sentence or so. Well, that is why people spend all these years going to law school, taking contracts courses. That is why my friend the assistant Republican leader, who served as a trial court judge, a supreme court justice—during his entire career, he dealt with lawyers coming to him talking about sentences in a contract or sentences in a piece of legislation. That is what this is all about.

We should eliminate those sentences that allow Hyde to be expanded to nontaxpayer money. We cannot allow that to happen.

So, over 100 days into this Congress, we should move forward and get this bill done. It is time that, on this legislation, Republicans right the ship. If human trafficking legislation is any indication, Republicans have not had a desire to govern dependably. I think that is unfair.

I hope this cloture vote will be defeated. I hope at that time people will finally come to the realization that we are willing to do whatever needs to be done to change this language so that the Hyde language is not applied to taxpayer dollars. If that is the case, we can move forward expeditiously.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## JUSTICE FOR VICTIMS OF TRAFFICKING ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 178, which the clerk will report by title.

The senior assistant legislative clerk read as follows:

A bill (S. 178) to provide justice for the victims of trafficking.

Pending:

McConnell (for Cornyn) amendment No. 1120, to strengthen the Justice for Victims of Trafficking Act by incorporating additional bipartisan amendments.

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. will be equally divided in the usual form.

The Senator from Texas

Mr. CORNYN. Mr. President, I ask unanimous consent to waive the mandatory quorum call with respect to the cloture vote at 11 a.m. this morning.

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

## 100TH DAY OF THE NEW CONGRESS

Mr. CORNYN. Mr. President, I am an optimistic person. As a matter of fact, I think everybody from Texas is an optimist. Can you imagine the challenges the people who founded our State had—Indians, wide-open hostile territory, tough weather. But they persevered because they were optimists. They thought the fight was worth the struggle. They thought the goal and the accomplishment—the hope for accomplishment—was worth the struggle.

I still remain optimistic—despite the last few weeks that have challenged that optimism—that we will actually break through here and get to consider and vote on the Justice for Victims of Trafficking Act and get help to the people whom the majority leader, Senator MCCONNELL, described, the children who cannot help themselves. I mean, for heaven's sake, if we cannot help the most vulnerable people in our country—children who cannot help themselves, who are the victims of modern-day slavery—what in the world can we do?

So we have marked 100 days here in the Senate with the new Republican majority. As I look back, I do not think anybody can deny that under the majority leader's stewardship we have had some significant accomplishments in a relatively short period of time. Sure, it has been bumpy along the way. The Keystone XL Pipeline was a significant bump in the road. But we had a strong bipartisan vote. Unfortunately, the President decided to veto that legislation.

After years of this Chamber being used solely for the purpose of messaging and conducting political show votes, we are actually starting to get