

The PRESIDING OFFICER (Mr. GARDNER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 55 Leg.]
YEAS—98

Alexander	Fischer	Murray
Ayotte	Flake	Nelson
Baldwin	Franken	Paul
Barrasso	Gardner	Perdue
Bennet	Gillibrand	Peters
Blumenthal	Graham	Portman
Blunt	Grassley	Reed
Booker	Hatch	Risch
Boozman	Heinrich	Roberts
Boxer	Heitkamp	Rounds
Brown	Heller	Rubio
Burr	Hirono	Sanders
Cantwell	Hoeven	Sasse
Capito	Inhofe	Schatz
Cardin	Isakson	Schumer
Carper	Johnson	Scott
Casey	Kaine	Sessions
Cassidy	King	Shaheen
Coats	Kirk	Shelby
Cochran	Klobuchar	Stabenow
Collins	Lankford	Sullivan
Coons	Leahy	Tester
Corker	Lee	Thune
Cornyn	Manchin	Tillis
Cotton	Markey	Toomey
Crapo	McCain	Udall
Cruz	McCaskill	Vitter
Daines	McConnell	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Ernst	Murkowski	Murphy
Feinstein	Murphy	Wyden

NOT VOTING—2

Moran Reid

The bill (S. 295), as amended, was passed, as follows:

S. 295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Amy and Vicky Child Pornography Victim Restitution Improvement Act of 2015”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The demand for child pornography harms children because it drives production, which involves severe and often irreparable child sexual abuse and exploitation.

(2) The harms caused by child pornography are more extensive than the harms caused by child sex abuse alone because child pornography is a permanent record of the abuse of the depicted child, and the harm to the child is exacerbated by its circulation. Every viewing of child pornography is a repetition of the victim’s original childhood sexual abuse.

(3) Victims suffer continuing and grievous harm as a result of knowing that a large, indeterminate number of individuals have viewed and will in the future view images of their childhood sexual abuse. Harms of this sort are a major reason that child pornography is outlawed.

(4) The unlawful collective conduct of every individual who reproduces, distributes, or possesses the images of a victim’s childhood sexual abuse plays a part in sustaining and aggravating the harms to that individual victim. Multiple actors independently commit intentional crimes that combine to produce an indivisible injury to a victim.

(5) It is the intent of Congress that victims of child pornography be fully compensated for all the harms resulting from each and every perpetrator who contributes to their anguish.

(6) Congress intends to adopt and hereby adopts an aggregate causation standard to

address the unique crime of child pornography and the unique harms caused by child pornography.

(7) Victims should not be limited to receiving restitution from defendants only for losses caused by each defendant’s own offense of conviction. Courts must apply a less restrictive aggregate causation standard in child pornography cases, while also recognizing appropriate constitutional limits and protections for defendants.

SEC. 3. MANDATORY RESTITUTION.

Section 2259 of title 18, United States Code, is amended—

(1) in subsection (b), by striking paragraph (3) and inserting the following:

“(3) DEFINITION.—(A) For purposes of this subsection, the term ‘full amount of the victim’s losses’ includes any costs incurred by the victim for—

“(i) lifetime medical services relating to physical, psychiatric, or psychological care;

“(ii) lifetime physical and occupational therapy or rehabilitation;

“(iii) necessary transportation, temporary housing, and child care expenses;

“(iv) lifetime lost income; and

“(v) attorneys’ fees, as well as other costs incurred.

“(B) For purposes of this subsection, the term ‘full amount of the victim’s losses’ also includes any other losses suffered by the victim, in addition to the costs listed in subparagraph (A), if those losses are a proximate result of the offense.

“(C) For purposes of this subsection, the term ‘full amount of the victim’s losses’ also includes any losses suffered by the victim from any sexual act or sexual contact (as those terms are defined in section 2246) or sexually explicit conduct (as that term is defined in section 2256) in preparation for or during the production of child pornography depicting the victim involved in the offense.”;

(2) by redesignating subsection (c) as subsection (d);

(3) by inserting after subsection (b) the following:

“(c) DETERMINING RESTITUTION.

“(1) HARMED BY ONE DEFENDANT.—If the victim was harmed as a result of the commission of an offense under section 2251, 2251A, 2252, 2252A, or 2260 by 1 defendant, the court shall determine the full amount of the victim’s losses caused by the defendant and enter an order of restitution for an amount that is not less than the full amount of the victim’s losses.

“(2) HARMED BY MORE THAN ONE DEFENDANT.—If the victim was harmed as a result of offenses under section 2251, 2251A, 2252, 2252A, or 2260 by more than 1 person, regardless of whether the persons have been charged, prosecuted, or convicted in any Federal or State court of competent jurisdiction within the United States, the court shall determine the full amount of the victim’s losses caused by all such persons, or reasonably expected to be caused by such persons, and enter an order of restitution against the defendant in favor of the victim for—

“(A) the full amount of the victim’s losses; or

“(B) an amount that is not more than the amount described in subparagraph (A) and not less than—

“(i) \$250,000 for any offense or offenses under section 2251(a), 2251(b), 2251(c), 2251A, 2252A(g), or 2260(a);

“(ii) \$150,000 for any offense or offenses under section 2251(d), 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2252A(a)(6), 2252A(a)(7), or 2260(b); or

“(iii) \$25,000 for any offense or offenses under section 2252(a)(4) or 2252A(a)(5).

“(3) MAXIMUM AMOUNT OF RESTITUTION.—No order of restitution issued under this section may exceed the full amount of the victim’s losses.

“(4) JOINT AND SEVERAL LIABILITY.—Each defendant against whom an order of restitution is issued under paragraph (2)(A) shall be jointly and severally liable to the victim with all other defendants against whom an order of restitution is issued under paragraph (2)(A) in favor of such victim.

“(5) CONTRIBUTION.—Each defendant who is ordered to pay restitution under paragraph (2)(A), and has made full payment to the victim equal to or exceeding the statutory minimum amount described in paragraph (2)(B), may recover contribution from any defendant who is also ordered to pay restitution under paragraph (2)(A). Such claims shall be brought in accordance with this section and the Federal Rules of Civil Procedure. In resolving contribution claims, the court may allocate payments among liable parties using such equitable factors as the court determines are appropriate so long as no payments to victims are reduced or delayed. No action for contribution may be commenced more than 5 years after the date on which the defendant seeking contribution was ordered to pay restitution under this section.”;

(4) in subsection (d), as redesignated, by striking “a commission of a crime under this chapter,” and inserting “or by the commission of (i) an offense under this chapter or (ii) a series of offenses under this chapter committed by the defendant and other persons causing aggregated losses.”; and

(5) by adding at the end the following:

“(e) REPORT.—Not later than 1 year after the date of enactment of the Amy and Vicky Child Pornography Victim Restitution Improvement Act of 2015, the Attorney General shall submit to Congress a report on the progress, if any, of the Department of Justice in obtaining restitution for victims of any offense under section 2251, 2251A, 2252, 2252A, or 2260.”.

Mr. RUBIO. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed as in morning business.

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

BARRY GOLDWATER STATUE DEDICATION

Mr. LEAHY. Mr. President, along with my colleagues I just had the opportunity to be at the unveiling of the statue of Senator Barry Goldwater in Statuary Hall.

I had the privilege of serving with Barry Goldwater. We traveled together many times. He came to Vermont at different times with me, and we became very close friends. It was interesting to watch Senator Goldwater form alliances across the aisle with different people. But I remember expressly one very personal thing.

I was very close to my father, and my father passed away late one evening in Vermont. The next morning, the first

two telephone calls my mother received were condolences. One was from Barry Goldwater, and one was from Ted Kennedy. The two had both talked before they called. I mention that because that was the type of people they both were. It had nothing to do with ideology; it was who they were.

In 1980 I had the second closest election in America. Somebody suggested to me that it must be because of my philosophy. I thought probably, but I can't figure it out. So I called up the man who had the closest election in 1980, the year of the Reagan sweep.

I said, "Senator Goldwater, what is the message we are being sent?"

Barry laughed and said, "We have to change our luck."

He suggested that he move into the office of the retiring Senator Abe Ribicoff of Connecticut, a Democratic Senator from New England. He said, "I am going to move into his office and change my luck. You better be strong enough to move into mine."

I suggested that I didn't have quite the seniority to do that. He said, "I will arrange your move next week." He did.

When I was sworn in for my second term in January of 1981, I was in that office. I have stayed in Senator Barry Goldwater's office ever since. I have stayed there now for—well, I am in my 35th year in Senator Goldwater's office, and I consider it a matter of pride, and I consider it a matter of pride to have served with him.

With that, Mr. President, I yield the floor.

Mr. RUBIO. Mr. President, I ask unanimous consent to speak as in morning business.

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

AUMF

Mr. RUBIO. Mr. President. I would like to touch on two topics. The first is that today the President has submitted a request for authorization for use of military force with regard to ISIL, or ISIS, as some call it.

First, I think it is good news that the President has made that submission, and I think he is right when he says the country is stronger when both Congress and the President act together.

I would say there is a pretty simple authorization he could ask for, and it would be one sentence, and that is, "We authorize the President to defeat and destroy ISIL." And that is what I think we need to do.

I look forward to reading through his submission. I understand it contains a time limitation. It does not contain geographic limitations. It contains some language that supposedly will make people feel more comfortable about the use of ground troops.

An authorization to use force that has limitations built into it is really quite unprecedented. We did some research, and the Congressional Research Service said that there really were

only two previous authorizations that have limited the President in terms of the use of force to be used or the duration of the conflict. One was in 1983 in Lebanon, and one was in 1993 in Somalia. Both of those were peacekeeping missions, so it made sense to limit the peacekeeping mission to use of force. But it appears that never before in certainly modern history has the Congress of the United States authorized the President to take on and defeat an enemy but has done so with limitations on the time or geography or anything of that nature. That is an important point for us to understand because under no circumstances can ISIL stay. What we need to be authorizing the President to do is to destroy them and to defeat them and allow the Commander in Chief—both the one we have now and the one who will follow—to put in place the military tactics necessary to destroy and defeat ISIS.

It is important to point out that circumstances on the ground might rapidly change. They already have. For example, when this began—if you look back a year and a half ago, if I had stood on the floor and given a speech about defeating ISIL or ISIS, no one would have known what I was talking about because at the time most Americans and most Members of Congress had no idea what that was. That is how quickly this has developed into a threat.

I would remind everyone that when they actually crossed over from Syria into Iraq, the President called them the JV team. Even today the facts on the ground continue to evolve very rapidly. For example, we now know through open source reports that ISIL has now established a presence in Derna, Libya, which gives them access to a port facility, and it is a completely uncontested space. There is no government shooting at them. There are no airstrikes. There is no one coming after them there. They can do whatever they want in Libya, and they are doing it. They are using it as a place to train, a place to recruit, a place to resupply, a place to raise money, and they have access to a port that allows them to bring all these things in.

There have also been open source reports of groups in Afghanistan beginning to pledge allegiance to ISIS. In fact, in at least four different countries in north Africa, there are now groups who have pledged allegiance to ISIL. So while we continue to focus on the conflict with relation to Iraq and Syria, we cannot overlook the fact that they are sprouting affiliates throughout the entire region.

I think that after the brutal murder of numerous Americans—we saw last week what happened to the Jordanian pilot—I don't have to spend much time convincing people how dangerous this group is. What we don't hear enough about is the atrocities being committed on a daily basis on the ground, what they are doing to the Sunni popu-

lation, for example, of areas they have now conquered, the brutality, the way they enforce sharia law with brutal tactics, not to mention the brutal stories we have heard of women being sold off or given away as brides to ISIL fighters, children trafficked into slavery, entire populations slaughtered, and fighters who were captured and killed in mass killings. This is what this group envisions for the world.

The goals of this group are not simply to govern what we knew once as Iraq or Syria or Libya or any other country; their ultimate goal is for the entire world—including where we stand today—to one day live under their mandate, under the rules they have established, under their radical version of Sunni Islam. You may say that is far-fetched, and it may be today, but that is their clear ambition—to spread their form of radical Islam everywhere and anywhere they can. They openly talk about this.

This group needs to be defeated. I wish we had taken this group on earlier. I wish, in fact, that we had gotten involved in the conflict in Syria earlier and equipped moderate rebel elements, non-jihadist rebel elements on the ground so that they would have been the most powerful force there. The President failed to do that in a timely fashion, and as a result a vacuum was created, and that vacuum was filled by this group who has attracted foreign fighters from all over the world to join their ranks.

Now we are dealing with this problem, but I would argue better late than never. Had we dealt with this a year and a half ago or 2 years ago, it wouldn't have been easy, but it would have been easier. But it is important to deal with it decisively now. We can debate the tactics, but it is the job of the Commander in Chief, in consultation with his military officials who surround him and advise him, to come up with the appropriate tactics to defeat the enemy.

For our purposes—very straightforward—ISIL is the enemy. They need to be defeated, and we should authorize this President and future Presidents to do what they can and what they must to defeat ISIS and erase them from the equation.

VENEZUELA

Mr. President, I also wish to take a moment to talk a little bit about what is happening in Venezuela. Tomorrow, February 12, will mark the 1-year anniversary since students and others across Venezuela took to the streets in peaceful demonstrations and demanded a better government and a better future than the current one, which is corrupt and incompetent and provides no leadership to the country.

Tomorrow also marks the 1-year anniversary since the Venezuelan Government, under Nicolas Maduro, responded with a violent crackdown that left dozens of people dead, thousands injured, and hundreds in jail as political prisoners. There have been at least 50 documented cases of torture by government