

and all domestic discretionary spending, or about \$1.1 trillion—every dime of that—is borrowed money. Let me say that again. Every dollar we are spending on our defense, every dollar we spend on our veterans, and every dollar we spend on our discretionary domestic programs, like what we are doing here today, is borrowed money.

This simply cannot continue. I can't think of any taller order. Between now and the end of the year, as we debate the tax changes that we want to make to our Tax Code so that we can become competitive with the rest of the world, let's remember why we are debating that tax issue.

We are debating the tax issue to become competitive with the rest of the world, to grow the economy. That is one of five areas which need to be dealt with. Our regulatory work is the other area in that attempt to grow the economy. But we will not dig out of this debt crisis unless and until we fix our budget process, stop this redundant spending, save Social Security and Medicare, and fix the spiraling nature of our healthcare costs.

I can think of nothing—nothing—in our future the rest of this year that is more important than addressing this budget process as we look at tax and dealing with this long-term debt crisis that we have.

Mr. President, I yield the floor.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### STOP ENABLING SEX TRAFFICKERS ACT

Mr. PORTMAN. Mr. President, it is a tragedy that in the Presiding Officer's home State of Louisiana, in my State of Ohio, and around this country, girls and women, children and adults, are being trafficked online. Sex trafficking is really a stain on our country.

We have taken some actions in the U.S. Senate to deal with this. We passed four or five bills to increase prosecution of those who engage in this, to ensure that women who are victims are treated as such and not as criminals. We have talked about how to help find missing children. I have been involved in those efforts. We have a caucus here on trafficking which has gotten involved in these issues.

Here is the reality, as I see it. Unbelievably, in the 21st century, this practice of selling people is increasing, and it is increasing primarily because it has moved online, where it is, tragically, efficient.

We have learned, through an extensive investigation over the last couple of years, that there is one website online which handles most of the com-

mmercial sex business and most of the trafficking, and that is a website called backpage.com.

What we have done in the U.S. Senate by focusing on this issue is we tried to determine how do you turn the tide, begin to get to the point where, instead of hearing more and more stories about women and girls and sometimes boys being trafficked online, in fact, we are beginning to get to a situation where we can find ways to get those people into treatment and recovery, deal with their trauma, and begin to stop this horrendous practice. It is really taking away the God-given potential of those engaged in it. There is nothing more horrible than meeting a young girl who has been trafficked and hearing the horrendous stories.

I was recently back in Ohio and had the opportunity to visit with some victims. I remember one young woman in particular told me she was trafficked at age 9—starting at age 9—by her father. He would take her to Super Bowls out of town, and he would traffic her online in their hometown. Imagine the trauma and the heartbreak.

Typically, now it is connected also with heroin or fentanyl or prescription drugs or other opioids. In other words, these girls or women are often made dependent, in part, from their addiction, and the traffickers cruelly use that addiction to force them to do things they would never otherwise envision.

So we know that. We know this is happening. We know it is increasing. We know it is online. What do we do about it?

Unfortunately, as we have learned in our investigation, these websites online that engage in this are largely protected. They are immune from prosecution. They are immune from victims being able to get justice. They are denied justice because of a Federal law which protects these evil people who knowingly are engaged directly in sex trafficking. That is pretty amazing; isn't it? But that is what is happening.

Victims were denied justice just 2 weeks ago, when a judge in Sacramento, CA, dismissed pending charges against backpage.com—this group I talked about—because of what they cited, which is a broad immunity granted by a 1996 law called the Communications Decency Act.

As the court saw it—and other courts have seen it—this law gives third-party website providers or publishers immunity from these kinds of heinous crimes, even if the website is participating in sex trafficking.

The court opinion made it clear, it is up to Congress to remedy this injustice, suggesting: "If and until Congress sees fit to amend the immunity law, the broad reach of section 230 of the Communications Decency Act even applies to those alleged to support the exploitation of others by human trafficking."

In other words, what the courts have said is, Congress, this is up to you. You

passed legislation—I believe inadvertently—inadvertently—which provides this immunity and protection for these people who continue to engage and participate in—knowingly participate in trafficking, including of underaged girls.

This is just the most recent ruling in a string of judicial decisions that have defended backpage and the other sites from legal challenges, despite their clear involvement in this criminal activity.

In 2016, last year, the First Circuit Court of Appeals ruled in favor of backpage in a case brought by three girls who were sold for sex on the site, but the court opinion noted that in order to fix the problem, "the remedy is through legislation, not litigation." They called the practice what it is, immoral, but then they said the solution is not more litigation, it is legislation; in other words, Congress, get your act together—get your act together.

These court rulings underscore the need for us to get our act together and to do so with urgency because every day that goes by, more girls, more women are trafficked online, and this must stop.

Having met with dozens of sex trafficking victims, I asked them the question, of course: How did it get to this point? Were you trafficked by someone? How did you find yourself here?

Most of these victims—most of these victims—tell me the same story, which is backpage.com. Their trafficker has them, as they say, off the street corner onto the smart phone—and, again, tragically efficient, in the sense that they may be sold 10, 15, in one case, 20 times during a single evening. They deserve to know we will not passively let this injustice continue. They deserve to know Congress will step up and correct this Federal legislation which we passed in Congress 20-some years ago to deal with this issue.

In August, I visited the Oasis House in Dayton, OH. Oasis is a wonderful place. They welcome up to 11 women at a time to live in a faith-based community which provides them incredible support. It helps deal with the trauma we talked about earlier, helps them to be moving from that trauma to independence. They are getting recovery and support there. So many of these women have had a transformation, and it is wonderful to see them back with their families or back at work.

Speaking with these victims, backpage came up—as it often does. It is just heartbreaking to hear what they had to say—but mostly they can't get justice; that the website that facilitated these crimes against them is off limits.

That is why, in July, after an 18-month investigation into online trafficking, I introduced—along with a number of my colleagues—legislation called Stop Enabling Sex Traffickers Act. Currently, we have 27 cosponsors in the Senate. We have only had this introduced while we have been in session for 2 weeks because we introduced

it just before the August recess, but Senator RICHARD BLUMENTHAL, Senator JOHN MCCAIN, Senator CLAIRE MCCASKILL, Senator JOHN CORNYN, Senator HEIDI HEITKAMP, and more than 20 other Senators have joined in this effort to deal with the real problem, which is the growth of trafficking due to the online presence and specifically some of these websites like backpage.

The bill would make three narrowly crafted changes to what is called the Communications Decency Act to allow backpage and other websites that knowingly facilitate sex trafficking to be brought to justice.

First, it allows victims of sex trafficking to seek justice against websites. It does so by removing the law's unintended protection we talked about for online sex traffickers. Second, it helps law enforcement by allowing the prosecution of websites, again, that knowingly assist, support, or facilitate a violation of already existing Federal sex trafficking laws. There is already a law in place that makes it illegal to engage in sex trafficking. The exception is, again, these websites online that are protected by the Communications Decency Act. So it basically says that you will be treated like others if you engage in, facilitate, and support it.

Finally, it lets State law enforcement—not just the Department of Justice—take legal action against these websites that violate Federal sex trafficking laws.

The Communications Decency Act, again, was enacted by Congress a couple decades ago—21 years ago—and now it needs to be brought into the 21st century. Again, it is an important piece of legislation, broadly speaking, but on this particular issue—inadvertently, I believe—it has allowed this incredible injustice to continue.

In my view, victims shouldn't have to wait one more day to get the justice they deserve. State and local prosecutors, those on the frontlines, should be able to prosecute backpage and others for their roles in these crimes.

The leading website for online sex trafficking has and will continue to escape legal justice for its active role in trafficking unless Congress acts. The solution is right in front of us. This bipartisan legislation will make the changes necessary. By the way, these are changes that a number of groups on the outside have called for and have strongly supported.

On August 15, I was proud to announce the support of 16 new Ohio organizations and officials who endorsed the Stop Enabling Sex Traffickers Act. The list includes anti-human trafficking advocates, human rights groups, State officials, and Ohio sex trafficking victims, among others. This is in addition to the list of dozens of national anti-human trafficking and law enforcement groups who have come out publicly in support of this bill. I appreciate them. I appreciate what the human trafficking advocacy groups do

every day, trying to help these victims. I really appreciate our law enforcement officials, and the fact that organizations like the Fraternal Order of Police step forward to support this legislation is very important.

On August 16, the day after we had this endorsement from all these groups from Ohio, 50 attorneys general from across the United States—50, including Ohio's Mike DeWine—sent a letter to Congress asking for the Communications Decency Act to be changed to allow State and local authorities to hold backpage and other websites that knowingly facilitate sex trafficking accountable.

The letter stated, in part: "It is both ironic and tragic that the CDA, which was intended to protect children from indecent material on the internet, is now used as a shield by those who profit from prostitution and crimes against children."

They are right. Initially the Communications Decency Act was put in place to try to shield young people from pornography.

What these attorneys general are calling for and what this Stop Enabling Sex Traffickers Act will do is allow us to go after these websites. This bill will allow victims to get justice, as I said, and will do so in a way that protects internet companies that are doing the right thing. Notably, we preserve the Communications Decency Act's Good Samaritan provision, which protects those good actors who proactively block and screen for offensive material, shielding them from any possibility of frivolous lawsuits. That is important.

The good actors out there—and the vast majority of websites are good actors—have nothing to do with sex trafficking. In fact, many of them police their site for it. The Facebooks of the world and the Googles of the world are not the bad actors.

We are gaining momentum within the tech community, some of whom have concerns about changing the Communications Decency Act. Just this week, we got a letter from Oracle, strongly supporting the Stop Enabling Sex Traffickers Act. They agreed that this narrowly crafted bill will hold the bad actors accountable while protecting well-intentioned websites.

Oracle's letter says, in part:

Your legislation does not, as suggested by the bill's opponents, usher the end of the Internet. If enacted, it will establish some measure of accountability for those that cynically sell advertising but are unprepared to help curtail sex trafficking.

Other tech companies have also joined in the fight to ensure that we can stop sex trafficking. I know they are going to follow Oracle's lead in publicly supporting this legislation.

Courts across the country, again, have made it clear that their hands are tied. Their hands are tied in bringing backpage and other websites to justice.

It is our responsibility right here in the U.S. Senate and the U.S. Congress to change this law. Women and chil-

dren have had their most basic rights stripped from them and have been let down by our judicial system and, frankly, up to now, by Congress in their search for justice.

With these latest calls to action from judicial rulings and this recent letter from 50 attorneys general, any future injustice in the legal system because of the Communications Decency Act falls on Congress. It falls on the shoulders of those in the U.S. Senate and the House.

It is not just the attorneys general around the country who have supported this; the district attorneys have sent a letter this week supporting it—again, other law enforcement across the board.

Through this legislation, we have the opportunity to right this wrong, to make a real difference in the lives of vulnerable women and children who have been victims of trafficking.

Justice cannot be seen, but its absence can be felt. Those who have been trafficked by backpage, only to see the company prosper and escape legal consequences, have experienced unimaginable injustice. They feel it.

The path to action is clear. Victims need this legislation that the courts, attorneys general, district attorneys, victims, and others have been calling for. Congress must pass the Stop Enabling Sex Traffickers Act in order to correct this injustice.

I yield back my time.

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

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Executive Calendar No. 250; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

#### IN THE ARMY

The following named Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

*To be brigadier general*

Col. John K. Muller