

and labor trafficking. Through deception, threats, or violence, the perpetrators of these crimes will do whatever it takes to turn a profit and are doing it at the victim's expense.

Fourth, I this year championed legislation to renew and extend the Missing Children's Assistance Act. This measure, which the President signed this fall, makes funds available over the next 5 years for the National Center for Missing and Exploited Children to continue to do its important work. The National Center partners with law enforcement and communities across the United States in the effort to identify and rescue missing and abused children.

The fifth measure I introduced in this Chamber with Senator WHITEHOUSE would renew and update the Juvenile Justice and Delinquency Prevention Act. That law has not been updated since 2002.

I introduced a measure on this subject for the first time in the 114th Congress. This year we concluded our negotiations with the House on a final version of this legislation, known as the Juvenile Justice Reform Act.

The measure we adopted last week, which is on its way to the President's desk for signature, reflects the oversight work that I carried out several years ago. This oversight, which was the subject of a 2015 Judiciary Committee hearing, revealed a flawed grant program but also one worth saving because of its potential benefits for our Nation's at-risk youth.

The reforms that we have adopted also help to ensure the fairer treatment of minors in detention through greater screening and treatment of mental illness and substance abuse. This new law also promotes an end to the shackling of girls who give birth in detention. It encourages greater separation of juveniles and adult offenders in detention, and ensures that detained youth can continue their education. It will give these young people who come into contact with the juvenile justice system a better chance of turning their lives around.

I should add that we included accountability provisions in virtually every grant funding measure reported by the Judiciary Committee during my 4 years as chairman. The inclusion of this language, which I authored several years ago in statutes authorizing Federal grant programs, will help to ensure that taxpayers' dollars are used wisely and, quite frankly, according to law.

I want, again, to thank my colleagues from the Judiciary Committee who joined me as cosponsors of these and other new laws in this area.

I also want to thank the nonprofit groups, such as the National Autism Association, the Elder Justice Coalition, and the Coalition for Juvenile Justice, as well as individual advocates, who include Bob Blancato, Stuart Spielman, Lisa Wiederlight, Marion Mattingly, and others who contributed

in a meaningful way to these laws, their developments, and passage.

Once again, I want to thank Evelyn Fortier of my staff for her hard work in these areas.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

#### JUSTICE FOR VICTIMS OF LYNCHING ACT OF 2018

Ms. HARRIS. Madam President, over 2 months ago, the Senate Judiciary Committee unanimously voted to advance the Justice for Victims of Lynching Act of 2018, which I introduced proudly with Senators BOOKER and SCOTT. This is a historic piece of legislation that would criminalize lynching, attempts to lynch, and conspiracy to lynch, for the first time in America's history.

Lynching is a part of the dark and despicable aspect of our country's history that followed slavery and outrageously continued unabated in our country. According to the Equal Justice Initiative, lynching was used as an instrument of terror and intimidation 4,084 times during the late 19th and 20th centuries. These lynchings were needless and horrendous acts of violence motivated by racism. We must acknowledge that fact, lest it be repeated.

Lynching is a crime committed against innocent people. These crimes should have been prosecuted. There were victims who should have received justice, but they did not.

With this bill we are finally able to change that and correct a burden on our history as a country. We finally have a chance to speak the truth about our past and make clear that these hateful acts should never happen again without serious, severe, and swift consequence and accountability.

From 1882 to 1986, the U.S. Congress failed to pass anti-lynching legislation when it had an opportunity 200 times. We now have an opportunity to pass this bill and to offer some long overdue justice and recognition to the victims of lynching and their families—recognition that these are crimes for which there should be severe consequence and accountability.

I now yield to my friend, the Senator from the great State of New Jersey, CORY BOOKER.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Thank you, Madam President.

I want to thank Senator HARRIS for her incredible partnership and leadership on this bill, and I want to thank Senator TIM SCOTT of South Carolina for his leadership and for the consistent examples of character and integrity they both have shown as my partners on this legislation in this body.

As my colleague has said, it has been a very long time coming. For over a century, Members of Congress have at-

tempted to pass some version of a bill that would recognize lynching for what it is—a biased, motivated act of terror.

Today, Senator HARRIS and I have requested that after a century—after 100 years and over 200 bills introduced in this body—we finally make lynching a Federal crime in the United States of America.

Thanks to the work of incredible people around this country—truth tellers such as Brian Stevenson and the Equal Justice Initiative—today, we have a more comprehensive understanding of just how widespread and purposefully lynching was used as a tool of racial terror and oppression in our history.

We know that the Equal Justice Initiative was able to document thousands of cases—over 4,000 documented cases of racially motivated lynchings between 1877 and 1950. During that time, lynchings were used to terrorize communities. They weren't only vicious acts of murder against individuals, but in many cases bodies were hung trying to drive fear into communities to make them submit to second-class citizenship and inconsistent justice.

The use of lynching as a larger part of terrorism is disturbing. It is a dark chapter of our past and part of our history. Its legacy doesn't just live in our history books. Despite activists and organizations that have dedicated themselves to studying and addressing the racial terror in our history, we have failed to correct for many of those past sins.

We know that the passage of this bill will not undo the damage, the terror, and the violence that have been done and the lives that were brutally taken in our past. We do know that the passage of this bill, even though it cannot reverse the irrevocable harm caused by lynching used as terrorist oppression, is a recognition of that dark past. We know that when wrongs are ignored they fester underneath the skin of the body politic, and we know that justice delayed is justice denied. Today, this is a moment of potential justice in this body, a reckoning to the victims of lynching that for too long have been denied.

I want to go back to a point in history in this body. The very first bill introduced by Congress to address the terror of lynching was by a man on the other side of the Capitol, Congressman George Henry White, in 1900. The year after it was introduced, in 1901, was the last year he would serve in Congress. That is because Congressman White was the very last Black Congressman of the group who had been elected to Congress during Reconstruction.

Congressman White's departure in 1901 would be the last time an African-American Black southerner would serve in Congress for over 70 years. Congressman White must have had an understanding of what was to come with the long dearth of time and the lack of diversity. He knew the terror of

Jim Crow laws and voter disenfranchisement that would stop the election of African-Americans.

In his last speech in this body on January 29, 1901, 1 year after he introduced the bill to criminalize lynching, he delivered a farewell address he called “The Negro’s Temporary Farewell to the American Congress.”

In that address to Congress over one century ago, he made the same request that Senator HARRIS and I are making right now—for the United States to officially criminalize lynching.

Congressman White said:

Mr. Chairman, permit me to digress for a few moments for the purpose of calling the attention of the House to a bill which I regard as important, introduced by me in the early part of the first session of this Congress.

[It was intended] to give the United States control and entire jurisdiction over all cases of lynching and death by mob violence.

During the last session of this Congress I took occasion to address myself in detail to this particular measure, but with all my efforts, the bill still sweetly sleeps in the room of the committee to which it was referred. The necessity of legislation along this line is daily being demonstrated. The arena of the lyncher no longer is confined to Southern climes, but is stretching its hydra head over all parts of the Union.

Referring to the terror of lynching, Congressman White knew that “the evil peculiar to America, yes, to the United States, must be met, somehow, some day . . .”

Well, now in this moment in America, we have a chance to make some day today. We have the opportunity to recognize the wrongs of our history, to honor the memories of those brutally killed, and to leave a legacy that future generations can look back on, knowing that after 200 attempts over the course of 100 years of trying, on this day in American history this body will do the right thing.

So I would recognize my colleague from California for the historic calling up of this piece of legislation.

The PRESIDING OFFICER. The Senator from California.

Ms. HARRIS. Madam President, I thank my friend Senator BOOKER. It is truly an honor to be on the floor of the Senate with my colleague and friend proposing this legislation.

Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3178 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3178) to amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the measure.

Ms. HARRIS. I further ask unanimous consent that the substitute amendment be agreed to and that the bill, as amended, be considered read a third time.

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

The amendment (No. 4168) in the nature of a substitute was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Ms. HARRIS. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, and the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3178), as amended, was passed, as follows:

S. 3178

*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 “Justice for Victims of Lynching Act of 2018”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The crime of lynching succeeded slavery as the ultimate expression of racism in the United States following Reconstruction.

(2) Lynching was a widely acknowledged practice in the United States until the middle of the 20th century.

(3) Lynching was a crime that occurred throughout the United States, with documented incidents in all but 4 States.

(4) At least 4,742 people, predominantly African Americans, were reported lynched in the United States between 1882 and 1968.

(5) Ninety-nine percent of all perpetrators of lynching escaped from punishment by State or local officials.

(6) Lynching prompted African Americans to form the National Association for the Advancement of Colored People (referred to in this section as the “NAACP”) and prompted members of B’nai B’rith to found the Anti-Defamation League.

(7) Mr. Walter White, as a member of the NAACP and later as the executive secretary of the NAACP from 1931 to 1955, meticulously investigated lynchings in the United States and worked tirelessly to end segregation and racialized terror.

(8) Nearly 200 anti-lynching bills were introduced in Congress during the first half of the 20th century.

(9) Between 1890 and 1952, 7 Presidents petitioned Congress to end lynching.

(10) Between 1920 and 1940, the House of Representatives passed 3 strong anti-lynching measures.

(11) Protection against lynching was the minimum and most basic of Federal responsibilities, and the Senate considered but failed to enact anti-lynching legislation despite repeated requests by civil rights groups, Presidents, and the House of Representatives to do so.

(12) The publication of “Without Sanctuary: Lynching Photography in America” helped bring greater awareness and proper recognition of the victims of lynching.

(13) Only by coming to terms with history can the United States effectively champion human rights abroad.

(14) An apology offered in the spirit of true repentance moves the United States toward reconciliation and may become central to a new understanding, on which improved racial relations can be forged.

(15) Having concluded that a reckoning with our own history is the only way the country can effectively champion human

rights abroad, 90 Members of the United States Senate agreed to Senate Resolution 39, 109th Congress, on June 13, 2005, to apologize to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

(16) The National Memorial for Peace and Justice, which opened to the public in Montgomery, Alabama, on April 26, 2018, is the Nation’s first memorial dedicated to the legacy of enslaved Black people, people terrorized by lynching, African Americans humiliated by racial segregation and Jim Crow, and people of color burdened with contemporary presumptions of guilt and police violence.

(17) Notwithstanding the Senate’s apology and the heightened awareness and education about the Nation’s legacy with lynching, it is wholly necessary and appropriate for the Congress to enact legislation, after 100 years of unsuccessful legislative efforts, finally to make lynching a Federal crime.

(18) Further, it is the sense of Congress that criminal action by a group increases the likelihood that the criminal object of that group will be successfully attained and decreases the probability that the individuals involved will depart from their path of criminality. Therefore, it is appropriate to specify criminal penalties for the crime of lynching, or any attempt or conspiracy to commit lynching.

(19) The United States Senate agreed to unanimously Senate Resolution 118, 115th Congress, on April 5, 2017, “[c]ondemning hate crime and any other form of racism, religious or ethnic bias, discrimination, incitement to violence, or animus targeting a minority in the United States” and taking notice specifically of Federal Bureau of Investigation statistics demonstrating that “among single-bias hate crime incidents in the United States, 59.2 percent of victims were targeted due to racial, ethnic, or ancestral bias, and among those victims, 52.2 percent were victims of crimes motivated by the offenders’ anti-Black or anti-African American bias”.

(20) On September 14, 2017, President Donald J. Trump signed into law Senate Joint Resolution 49 (Public Law 115–58; 131 Stat. 1149), wherein Congress “condemn[ed] the racist violence and domestic terrorist attack that took place between August 11 and August 12, 2017, in Charlottesville, Virginia” and “urg[ed] the President and his administration to speak out against hate groups that espouse racism, extremism, xenophobia, anti-Semitism, and White supremacy; and use all resources available to the President and the President’s Cabinet to address the growing prevalence of those hate groups in the United States”.

(21) Senate Joint Resolution 49 (Public Law 115–58; 131 Stat. 1149) specifically took notice of “hundreds of torch-bearing White nationalists, White supremacists, Klansmen, and neo-Nazis [who] chanted racist, anti-Semitic, and anti-immigrant slogans and violently engaged with counter-demonstrators on and around the grounds of the University of Virginia in Charlottesville” and that these groups “reportedly are organizing similar events in other cities in the United States and communities everywhere are concerned about the growing and open display of hate and violence being perpetrated by those groups”.

#### SEC. 3. LYNCHING.

(a) OFFENSE.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 250. Lynching

“(a) IN GENERAL.—

“(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL

ORIGIN.—If 2 or more persons willfully cause bodily injury to any other person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) each shall be imprisoned not more than 10 years, fined in accordance with this title, or both, if bodily injury results from the offense; or

“(B) each shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if death results from the offense or if the offense includes kidnapping or aggravated sexual abuse.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—If 2 or more persons, in any circumstance described in subparagraph (B), willfully cause bodily injury to any other person because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person—

“(i) each shall be imprisoned not more than 10 years, fined in accordance with this title, or both, if bodily injury results from the offense; or

“(ii) each shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if death results from the offense or if the offense includes kidnapping or aggravated sexual abuse.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a phone, the internet, the mail, or any other channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a phone, the internet, the mail, or any other channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct;

“(II) otherwise affects interstate or foreign commerce; or

“(III) occurs within the special maritime or territorial jurisdiction of the United States.

“(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE UNITED STATES.—Whoever, within the special maritime or territorial jurisdiction of the United States, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) shall be subject to the same penalties as prescribed in those paragraphs.

“(b) ATTEMPT.—Whoever attempts to commit any offense under this section—

“(1) shall be imprisoned for not more than 10 years, fined in accordance with this title, or both; or

“(2) if the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be imprisoned for any term of years or for life, fined in accordance with this title, or both.

“(c) CONSPIRACY.—If 2 or more persons conspire to commit any offense under this section, and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

“(d) CERTIFICATION REQUIREMENT.—

“(1) IN GENERAL.—No prosecution of any offense described in this section may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

“(A) the State does not have jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

“(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 13 of title 18, United States Code, is amended by inserting after the item relating to section 249 the following:

“250. Lynching.”.

Ms. HARRIS. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

Ms. HARRIS. Madam President, I want to thank our colleagues for this incredibly important act of bipartisanship in the U.S. Congress.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Madam President, my friend, the Senator from Oregon, just came over. This is a very meaningful moment for this body.

There was a speech by a man that I revere. His picture hangs in my office. His name is Martin Luther King. For many people who endured the pain and agony of our past, with lynchings that went on up to the 1970s in this country, and for those people who yearned for justice they would never experience, for those people who know the pain, agony, and hurt in their family's history and the trauma that is still felt by many people today, who remember lynching in this country that was so pervasive—Dr. King once spoke to those people who were hurting and seeking justice, and he asked at the end of his speech:

How long? Not long, because “the truth crushed to the earth will rise again.”

He asked:

How long? Not long, because “no lie can live forever.”

He asked:

How long? Not long, because the arc of the moral universe is long, but it bends toward justice.

This has been a long arc, a painful history and shameful history in this body—that at the height of lynchings

across this country affecting thousands of people, this body did not act to make it a Federal crime. At least now, the U.S. Senate has acted—100 Senators, no objections.

I just want to give gratitude to this body for what we have just done. Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I praise my colleagues from the Atlantic coast of New Jersey and Pacific coast of California for today putting our entire Senate on record and on a pathway to recognizing the deep darkness of this national scar on our justice system and on our psyche.

Work well done today in the U.S. Senate. Thank you.

## IMMIGRATION POLICY

Mr. MERKLEY. Madam President, I rise to address a current-day scar, a wound in America—a wound in terms of how we are treating children arriving on our borders and seeking asylum.

George Washington said America is a nation open “to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions.”

This sense of the vision of America was repeated 100 years later through Emma Lazarus's poem that is carved into the foundation of the Statue of Liberty. Phrases of that poem include: “Give me your tired, your poor, your huddled masses yearning to breathe free. . . . Send these, the homeless, tempest-tossed to me,” but that spirit is lost right now in the USA.

We are a nation almost universally of immigrants, and yet we are treating those children fleeing persecution as if they are criminals when they arrive at our borders.

I went down this last weekend with Senator MAZIE HIRONO of Hawaii and Senator TINA SMITH of Minnesota, with Representative JUDY CHU of California and Representative BETO O'ROURKE of Texas. Four of us visited two family internment camps—one in Dilley and one in Karnes—and all five of us went to the Tornillo child prison in the desert in Texas outside El Paso.

This war against children—this Trump war against children—was most dramatically demonstrated back in May and June when the U.S. Government implemented a “zero tolerance” policy that, in fact, said, if you assert your international rights and come to the border of the United States, we will treat you as a criminal. We will lock you up. We will rip your children out of your arms, and who knows if you will ever see them again.

I went down June 3 of this year to shine a light on this and find out what was really going on. I saw children in cages. I tried to enter a facility—a former Walmart—that I was told had hundreds of kids locked up in it. I was denied entry because of the administration's desires to keep the effects of