

Mr. President, we need you to work with us to build that vital infrastructure so we can produce our energy here at home and work with our closest friend and ally, Canada, and not be dependent on energy from the Middle East anymore.

Don't be fooled—don't be fooled. We are in a battle right now for global market share to determine who is going to produce energy in the future. Is it going to be OPEC? Is it going to be Russia? Is it going to be the United States? Who is going to produce energy in the future? The reason the price at the pump has come down over \$1 over the course of the past year is because we are producing so much oil and gas in the United States and because we are getting more from Canada. More supply pushes prices down. If that were a tax cut, it would equate to more than a \$100 billion tax cut for the American consumer. So what is going on?

On a global basis OPEC is pushing back, because they know if they push back, instead of our industry and our energy industry in this country continuing to grow, it starts to shrink again. Who is back in the driver's seat? OPEC is back in the driver's seat. What do you suppose is going to happen then? Prices will go right back up, and that benefit consumers get at the pump we will not have anymore. Also, that security issue I am talking about we will not have because we will have to continue to bring in oil from the Middle East. This is about a long-term strategy for national security.

It is more than just sending our combat resources into a conflict. A long-term strategy for national security also includes energy security, and just as the President is sending us an AUMF today, we are sending him legislation today that will make our Nation more energy secure. I hope the President will join with us in that endeavor on behalf of the American people.

Thank you, and with that I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent that I be recognized for such time as I shall consume.

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

Mr. INHOFE. Madam President, I was listening very carefully to the Senator talking about our situation with the pipeline, and there is something else I was going to talk about, but I want to make sure we say it as often as we can. I have sent for a poster which I want to share with the Senate.

My State of Oklahoma is more than just passively interested in the pipeline. In the center of Oklahoma is a town called Cushing. Cushing, OK, happens to be the central location for the pipelines going throughout the United States—east, west, north, and south. The picture, if it does arrive, that I wanted to share with everyone is of this President who is trying to, I guess, insult our intelligence by having it

both ways. I think the Senator from North Dakota made it very clear that the President is dragging his feet and that he has been able to successfully stop the pipeline from coming through.

The picture I will show is a picture of President Obama coming into my State of Oklahoma and standing with all the barrels behind him in Cushing, OK, announcing that he is not going to stop the pipeline from going south from Oklahoma down to the Texas border. That is very good because he cannot do it. The only place he can stop it is when it crosses the international border. Of course that is where he is continuing to stop it.

I have to say he has lost the war of words on this because people know we have an opportunity—that everything the Senator said is correct. We can be totally independent in no time at all. We are not talking about years, we are talking about weeks and months. We can have our total independence just by lifting all the restrictions we have right now, not just the pipeline but what is happening on Federal land.

It is interesting. We have gone through this shale revolution in this country, and it has been so overwhelming. In the last 5 years it has been in spite of the President because he continues in his budget to have all kinds of punitive provisions for the oil and gas industry. Yet because of what has happened with the shale revolution, the use of hydraulic fracturing, the horizontal drilling, we have increased our production over the last 5 years by 61 percent. All of the 61 percent is in private land or it is in State land. We have on Federal land a reduction. While the rest of the country has increased 61 percent, it has been reduced by 6 percent. That is the dilemma we have right now.

It goes far beyond just the pipeline. We have an opportunity to be completely free—and I am talking about our Northern Hemisphere—being free from dependence on anyone in any part of the world for our ability to produce the energy necessary to run this machine called America.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 452 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT
AGREEMENT—S. 295

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S.

295; that there be up to 1 hour equally divided in the usual form; that following the use or yielding back of that time, the Hatch technical amendment at the desk be agreed to; that the bill, as amended, be read a third time, and the Senate proceed to vote on the bill with no intervening action or debate.

Following disposition of the bill, the Senate will resume the motion to proceed to H.R. 240, the DHS appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. No objection.

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

AMY AND VICKY CHILD PORNOGRAPHY VICTIM RESTITUTION IMPROVEMENT ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 295.

The legislative clerk read as follows:

A bill (S. 295) to amend section 2259 of title 18, United States Code, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate, equally divided in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, I thank the majority leader for moving ahead on S. 295, which we call the Amy and Vicky Act.

The need for this bill arises because of the Supreme Court's 5-to-4 decision last year in *Paroline v. United States*.

The Court at that time limited the recovery that a victim of a child pornography offense could receive, even as additional wrongdoers saw her image as it was repeatedly posted on the Internet.

Rather than making the offender provide restitution for all the harms caused by the repeated viewings, the Supreme Court limited the recovery against any one defendant to the relative harm that defendant caused.

This bill will expand the categories of loss for which the victim could recover. It would reverse, then, the Supreme Court by permitting the victim to recover up to the full loss from any one defendant, subject to a minimum amount, depending upon the defendant's conduct. No longer, then, would the victim receive restitution from each defendant limited to that defendant's own actions. Each defendant would be jointly and severally liable for the victim's entire loss.

The bill sets up a contribution procedure for those defendants, which then would make the victim whole. Of course, that is the main point.

The choice is between the convicted child pornography offender being held responsible for the full loss and the innocent victim not receiving full compensation.

The Supreme Court ruled that the victim could not receive all her restitution from any one single defendant,

even as her damage suffered was compounded. This bill appropriately rejects that. I hope it is not the last time this Congress overturns a Supreme Court decision.

I am proud to be an original cosponsor of this legislation, as I was in the last Congress. I was pleased that the first legislation the Judiciary Committee took up when I became chairman was this bipartisan child pornography bill, and I am glad to have shepherded that bill through the committee so that the Senate at this time can take it up as one of its first legislative items.

We should all commend, as I do, Senator HATCH for his work on this very important piece of legislation.

I yield the floor.

Mr. TOOMEY. Madam President, I am very pleased to see the Senate will pass the bipartisan Justice for Amy and Vicky Act.

As an original co-sponsor of this bill, it's great to see that the Senate is helping ensure that victims of child pornography are able to receive full restitution for the terrible harms that they have suffered.

Last year, the Supreme Court issued a decision that sharply limited the remedies available to victims of child pornography.

The case involved Pennsylvania resident "Amy."

"Amy" was just eight and nine years old when her uncle raped her. Amy received help from a therapist and her family, and began to heal. Then, at age 17, Amy learned that her uncle recorded the events and traded them over the Internet. Amy is believed to be the most widely traded image of child pornography: Her attorney estimates that over 70,000 people have viewed these images.

I cannot begin to imagine the devastation Amy feels, so I turn to her own words. Amy writes:

Every day of my life I live in constant fear that someone will see my pictures and recognize me and that I will be humiliated all over again. It hurts me to know someone is looking at them—at me—when I was just a little girl being abused for the camera. I did not choose to be there, but now I am there forever in pictures that people are using to do sick things. I want it all erased. I want it all stopped. But I am powerless to stop it just like I was powerless to stop my uncle. . . . My life and my feelings are worse now because the crime has never really stopped and will never really stop. . . . It's like I am being abused over and over and over again.

Amy has struggled to hold down a steady job, facing repeated breakdowns. Amy estimates she has suffered \$3.4 M in lost income and counseling costs over the years.

Amy sought restitution from those who viewed and traded her image. The Federal restitution statute allows a victim of child pornography to collect restitution from those convicted of producing, trafficking, or viewing images of the victim's abuse.

But Amy faced a problem common in child pornography cases: Tens of thou-

sands of people have trafficked in her image. When she attempted to collect restitution, could she collect the full amount from any one person? Or would she have to wait for tens of thousands of people to be criminally convicted, collecting a small amount from each person, in order to be made whole?

Last April, in the case of *Paroline v. United States*, the Supreme Court decided that Federal statute required the latter. The Supreme Court recognized that this was unworkable, and it called on Congress to provide a legislative remedy.

Last year, I responded to the Supreme Court's call by introducing the Justice for Amy Act, which would ensure that victims of child pornography are able to receive full restitution, without having to appear in thousands of court cases.

It sought to amend the Federal restitution statute to provide that all defendants who produce, traffic, or possess child pornography of a victim are jointly and severally liable for all of that victim's damages, and may sue one another for contribution. This goal is to take the burden off of the child victim, and places it on the child pornographers. Once one defendant is found guilty, he is held liable for the full damages and the burden is on him to sue all other wrongdoers to help pay the restitution award.

I am pleased to see that this commonsense approach has been adopted by and incorporated into the Justice for Amy and Vicky Act. I am proud to be an original co-sponsor of this important legislation that the Senate will pass today.

This bill provides one important first step in ensuring that victims of child sexual abuse receive the help they need. I look forward to continuing to work with my colleagues to provide additional protections for America's children.

Mr. DAINES. Madam President, as a father of four, I am deeply concerned by the very need for legislation like S. 295, the Amy and Vicky Child Pornography Victim Restitution Improvement Act. It is appalling that even a single one of our children is subject to such base and vile exploitation. As parents, and as a Nation, it is paramount we guard our children when there are those who would exploit them in pornography, who would enslave them in human and sex trafficking, and who would perpetrate this sickening crime upon them.

The Amy and Vicky Child Pornography Victim Restitution Act is one more step in laying the full consequences of these heinous crimes upon the perpetrators. While current law brings criminals to justice before the courts, it can leave the victims to reconstruct their lives with only limited resources on hand. This bill would make sure victims of child pornography have what they need to rebuild and restore their lives by making the perpetrators financially responsible.

Yet while it is a good and necessary step, nothing can ever truly be done by the law or the courts to repair the damage that has been wrought on these lives. We must stop it before it begins. So let us help those who are in need of healing and stop those who would continue this violence.

Mr. GRASSLEY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. I ask unanimous consent that any time during the quorum calls be equally divided.

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

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. TOOMEY). Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. COATS. Mr. President, later this month, on February 27, funding for the Department of Homeland Security will run out. I think we all agree this is a critical time for our country's national security, and it is important that we fully fund Department of Homeland Security to protect Americans against terrorist attacks.

But in recent days several of my friends across the aisle have spoken on this floor asserting that Republicans are trying to force a Department of Homeland Security shutdown. Nothing could be further from the truth.

Essentially, their argument is that unless Republicans choose to completely agree with President Obama's egregious constitutional violation of executive power to implement major changes in our immigration laws—an issue which is clearly the responsibility of the people's elected representatives—then Republicans will be responsible for any lapse in DHS funding.

So to put all this in perspective regarding this situation and the assertion that a few of my colleagues have made, let me give you some thoughts. First, let's remember how we got into this situation to start with. In 2008, a Presidential candidate by the name of Barack Obama said the following:

I take the Constitution very seriously. The biggest problems that we are facing right now have to do with trying to bring more and more power into the executive branch and not go through Congress at all. And that's what I intend to reverse when I am President of the United States of America.

He went on to say when he was President:

America is a nation of laws, which means that as President, I am obligated to enforce that law. I don't have a choice about that. That's part of my job. But I can advocate for changes in the law so that we can have a country that is respectful of the law but also continues to be a great country of immigrants.

Here is the key statement:

With respect to the notion that I can just suspend deportations through executive order, that is just not the case, because there are laws on the books that Congress has passed.

I could go on and on about what the President has said about his limitation of powers both as a candidate and as the President of the United States. Of course, he has violated and trampled on every word he has said, broken many promise he has made, and taken just the reverse position on everything he said about this issue on the Senate floor as a Senator and now as President.

So Republicans have responded by simply saying: "That is a violation of your Executive power. We think these issues ought to be debated and worked through the people's representatives, as they have been in the past."

Because there is an association between the Department of Homeland Security funding and funding for certain aspects of immigration, Republicans thought it would be worthwhile to bring a debate to the floor so the public could hear what we have to say on this issue and so that we could make adjustments through this process.

Having suffered through 6 years of this Presidency—4 years for me—led by a then majority leader of the Democratic Party, with Republicans not being allowed to debate on the floor any significant issues that perhaps did not fit the Democratic agenda, new management has taken over here and opened up the process so that we can again be the people's representatives and speak and debate on the floor, offer amendments—winning some, losing some—and come to a conclusion.

Looking for the right vehicle, the only real vehicle, that would allow us to at least debate and offer our amendments in opposition to what the President is trying to do has been totally stifled through Democrat filibustering, not even allowing us to move forward with the bill. So we are stuck here in a difficult situation, wanting to address this egregious abuse of the power constitutionally designated to the President and at the same time needing to fund our necessary security needs through the Department of Homeland Security.

By not allowing us to even bring this issue to the floor of the Senate and debate it back and forth, offering amendments to address each Senator's various concerns, we neglect to move forward on legislation that addresses these two important needs: Number 1, the funding of our national security through DHS, and Number 2, the issue of the President's constitutional overreach.

So we stand here frustrated with our inability to be able to go forward in the way the American people expect us to go forward, in the way this Senate has traditionally operated. Here we stand in a stalemate because one party says: "No, we don't even want to let you talk about it." One party says: "No, we don't even want to take it up, offer our amendments." Maybe they are afraid they will not pass. That is how it works here.

The irony is that at least eight Democrats, as I count, were very critical when the President issued his Executive order regarding immigration. They basically said: "Yes, that does exceed his powers, and he should not have done that."

Here is an opportunity for them to weigh in with their votes instead of just their rhetoric. Yet they will not even allow that to happen.

So we are caught here in this dilemma. But let me make a couple of things absolutely clear, at least from my perspective. I do not believe a departmental shutdown is the appropriate response to this issue. Funding and paying for essential functions of the Department of Homeland Security at a time when threats have never been higher is absolutely critical. So we have to achieve that by whatever means.

By the same token, addressing this egregious constitutional violation and the President's broken promises relative Executive power on immigration is a key issue the American people want debated now. It needs to be debated. Both sides have agreed that we need immigration reform. But it ought to be done through the people's representatives and not through the wishes of the President of the United States when he does not have the power to make these changes.

So I trust that we will be able to work through this in the next several days leading up to our recess or the end of this month when we have to come to a conclusion. We are working hard to do that. We just would like the opposing party, the Democrat Party, to allow its Members to say where they stand, to offer changes, to offer alternatives, and to offer amendments. It is important enough for us to do what we were sent here to do, and that is to represent the people in this country on the critically important issues that lie before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, the bill before us proves the axiom that big things come in small packages. This bill, the Amy and Vicky Child Pornography Victim Restitution Improvement Act, may only be several pages long, but it is a very big bill.

In 1994, by enacting the Violence Against Women Act, Congress required that defendants who commit certain crimes pay restitution to their victims. I had a lot to do with that bill. These

are crimes—such as the sexual exploitation of children—that have a particularly devastating impact on victims, and they need help to put their lives back together.

Last year, in a case titled "Paroline v. United States," the Supreme Court concluded that the restitution statute cannot provide the restitution that Congress promised for child pornography victims. The only way to fix this problem is to amend the restitution statute in a way that accounts for the insidious and evil nature of child pornography itself.

The Supreme Court held in Paroline that under the statute as currently written, a victim can seek restitution only for losses that are directly related to an individual defendant's distribution or possession of specific images of her abuse. That is not only virtually impossible to prove, but it pretends that defendants and images are isolated and self-contained. The truth is that in the Internet age, defendants are part of a growing, shifting, and constantly active group of individuals who keep the victimization going. As the Supreme Court put it in Paroline last year, each viewing of child pornography is a repetition of the child's abuse. Everyone who drives the trafficking in those images repeats that abuse and contributes to a victim's losses. Some of them will be caught and prosecuted, while others will hide in the shadows and seek safety in numbers.

The harsh reality for a victim is that the Internet has multiplied the number of individuals who harm her and, at the same time, made it harder to identify them so she can seek restitution—or should I say, she really can't seek restitution.

The bill before us today addresses this cruel catch-22. This bill is named for Amy and Vicky, the victims in two of the most widely viewed child pornography series in the world.

When I reintroduced this bill on January 28, I also shared the story of Andy, a young man in Utah who is the victim in another widely distributed child pornography series.

He is the named victim in more than 700 cases but has been granted restitution under Paroline in only one-quarter of the cases in which he has sought it and actually received restitution in just two of those cases.

This bill provides judges with options for calculating a victim's total losses and imposing restitution in different kinds of cases. That is not always easy for the very reason that I just described. A judge must impose restitution in an individual case for losses that flow from ongoing harm. But that is the diabolical nature of child pornography, and we must equip the criminal justice system to address it.

This bill helps victims in another important way. Today a victim must chase every single defendant to seek restitution, only to be told that she

must seek the impossible and, therefore, receive next to nothing. In addition to providing a way for judges to require meaningful restitution in individual cases, this bill allows defendants who harm the same victim to seek contribution from each other to spread that restitution cost.

Let me put it as simply as I can. The current statute maximizes a victim's burden and minimizes her restitution. This bill minimizes a victim's burden and maximizes her restitution.

Both Amy and Vicky personally endorse this bill. National victim advocacy groups also support it, including the National Center for Missing and Exploited Children, the National Organization for Victim Assistance, the National Crime Victim Law Institute, the National Center for Victims of Crime, the National Task Force to End Sexual and Domestic Violence Against Women, and the Rape, Abuse and Incest National Network.

Last October I received a letter endorsing this bill signed by the attorneys general of 43 States—22 Republicans and 21 Democrats. This has, in fact, been a truly bipartisan effort.

The senior Senator from New York, Mr. SCHUMER, has been my partner from the start in developing this legislation and has been a champion for crime victims for many years. It is important to have him on this bill. He is one of the great leaders in the Senate today, and we intend to do more together in the future.

The cosponsors include 22 Republicans and 17 Democrats. Big things really do come in small packages.

I have been contacted by advocates working with dozens of countries around the world to tackle the problem of child pornography and exploitation. They emphasize the need for meaningful restitution and say that this legislation can be an example for other countries to follow.

Congress in 1994 required full restitution for child victims of sexual exploitation. The Supreme Court last year confirmed that the restitution statute cannot keep that promise to victims of child pornography.

Enacting this legislation shows Congress at its best, stepping up and taking the action necessary to address this problem. Amy, Vicky, and Andy are counting on us.

This is an extremely important bill. It means that victims of child pornography—usually videos that are shipped all around the world and seen by, maybe, millions—have the chance of being able to get true restitution under this bill. Before that, they would have to go and sue everyone who was involved, and there is no way they could find that out, no way they could really do that, no way they could really get restitution and justify the attorneys' fees, and no way they could really vindicate themselves and show these people, these horrible people who do these things to children, that they are not going to get away with it anymore.

This bill eliminates all of that. This bill makes it possible for the victims of pornography and childhood exploitation to be able to recover and to get restitution for the very poor treatment they have undergone.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SCHUMER. Mr. President, I rise today in support of the Amy and Vicky Child Pornography Victim Restitution Improvement Act, which my good friend Senator ORRIN HATCH has requested a vote on this afternoon.

First, I thank Senator HATCH for his work on this important legislation. I was proud to work alongside him as the Democratic cosponsor of his bill, and he has been an absolute force in pushing this bill in the Judiciary Committee and to the floor today. We have had a great partnership and have worked on many things together, and I think I join every one of my 99 colleagues in telling the Senator from Utah how much respect we have for him.

Our bill does one important thing. It fixes a flaw in our restitution system for pornography victims. You see, in this day and age, victims of child pornography face ongoing harm every time a video or picture of them is shared and viewed on the Internet. As the Supreme Court explained about a victim:

These sexual abuse crimes are compounded by the distribution of images of her abuser's horrific acts, which meant the wrongs inflicted upon her were in effect repeated; for she knew her humiliation and hurt were and would be renewed into the future as an ever-increasing number of wrongdoers witnessed the crimes committed against her.

The horror of sexual abuse can be long lasting. It can constitute the loss of income, medical care, psychiatric counseling, and therapy. The victims of sexual abuse, therefore, are absolutely in the right to seek restitution from those evil criminals who perpetuate the original crime by sharing and viewing images of the crime.

A 2014 Supreme Court case, *Paroline v. United States*, placed a heavy burden on the child pornography victims trying to recover restitution. The tragic effect of the Supreme Court's decision in the *Paroline* case was this: The more widely viewed the pornographic image of a victim and the more offenders there are, the more difficult it is for the victim to recover for her anguish and her damages.

For the perpetrators of child pornography, there should not be safety in numbers.

Now, the bill that Senator HATCH has led on and I was proud to cosponsor rights this wrong. Our bill provides a method for these victims to seek restitution for the total harm they en-

ured from this horrific victimization. Specifically, the Amy and Vicky Act does three things that reflect the nature of these crimes. First, it considers the total harm to the victim, including from individuals who may not yet have been identified. Second, it requires real and timely restitution. And, third, it allows defendants who have contributed to the same victims' harm to spread the restitution cost among themselves.

These specific changes are supported by the attorneys general of 43 States and countless national victim advocacy groups, such as the National Center for Missing and Exploited Children, and they have wide bipartisan support in the Senate.

Once again, I commend my colleague Senator HATCH for the great work he has done on this and other things.

As I said while he was not in the Chamber, I look forward to our working on many other causes together. He is a great leader and very well respected by me and all of his colleagues.

I urge my colleagues to pass this important measure to give more power to the victims of sexual abuse to seek redress, closure, and justice for the crimes—the dastardly crimes—committed against them.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Under the previous order, amendment No. 250 is agreed to.

The amendment is as follows:

(Purpose: To improve the bill)

On page 4, beginning on line 22, strike "sexual conduct (as those terms are defined in section 2246)" and insert "sexual contact (as those terms are defined in section 2246) or sexually explicit conduct (as that term is defined in section 2256)".

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

Mr. ALEXANDER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

Mr. DURBIN. I announce that the Senator from Nevada (Mr. REID) is necessarily absent.

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
Barraso	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	Wyden
Feinstein	Murphy	

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