



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151

WASHINGTON, FRIDAY, DECEMBER 16, 2005

No. 162

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. TERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 15, 2005.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our Protector and Guide, as a pilgrim people traveling through space and time but anchored in eternity, we are always awaiting a new life; as we celebrate a life suspended by all the relationships we already know.

As Americans, it is hope, Lord, that keeps us fixed on the future. Hope carries us through good times and bad, yet hope secures our existence and our purpose in the here and now. Help us to draw closer to the Source of Hope, not to be found in the strong wind of turmoil that today's world brings, not in

the earthquake of power plays, not in the fire that human desire consumes, but rather in the sound of sheer silence that the holy Scriptures reveal.

Lord, once we have found our authentic source of hope, we can make the necessary corrections in our itinerary. We can make expectations fit words revealed and let the beauty of divine energy prevail over self-centeredness and fear. Once we can place all our hope in You, Lord, where it belongs, we can rest and enjoy, because then the incredible can be believable and the impossible seem within reach.

In You, O Lord, we place our trust now and forever. Amen.

NOTICE

If the 109th Congress, 1st Session, adjourns sine die on or before December 20, 2005, a final issue of the Congressional Record for the 109th Congress, 1st Session, will be published on Friday, December 30, 2005, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-60 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 29. The final issue will be dated Friday, December 30, 2005, and will be delivered on Tuesday, January 3, 2006. Both offices will be closed Monday, December 26, 2005.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H11883

he threatened Medina with a knife; kicked her in the chest; and even attempted to push her out of a moving car. Thomas also slept with an ax in his drawer and threatened to have her deported if she ever called the police. Medina left Thomas after he broke her son's finger. Today, Medina continues to live in constant fear of Thomas, who stalks and harasses her. Despite knowing about Medina's abuse, the IMB facilitated a new match between Thomas and another Ukrainian woman who also later fled because of abuse. Medina was Thomas' third wife; he had also abused at least one of his prior wives.

New Jersey: A 26-year-old Ukrainian engineer named Alla bled to death on the floor of her car after her husband Lester Barney, 58, slashed her throat in front of the couple's 4-year-old son, Daniel. Barney fled with Daniel from the scene, the parking lot of the boy's daycare center, but after an Amber Alert was triggered he turned Daniel over to a friend and was himself taken into custody by police. Alla had been granted a restraining order against Barney a few months before and had been given temporary custody of Daniel.

New York: Andrew Gole, a former policeman from Long Island, was convicted of murdering Martha Isabel Moncada on a trip back to her home country, Honduras, after she told him she did not want to return with him to the United States. Martha had tried to leave the abusive Gole before, but had feared losing custody of their newborn son to him. Gole strangled and dismembered Martha in their hotel room in front of their baby and Martha's disabled son from her first marriage, then dumped her remains along the roadside. Police arrested Gole as he tried to flee the country after abandoning the older boy at a gas station.

Pennsylvania: Though she was trained as an accountant, Norman McDonald compelled his Ukrainian wife to take several waitress jobs and rely on him for transportation so he would have long stretches of time alone with her daughter, who was only 3 when the couple married. With his wife securely out of the house, McDonald showed the toddler pornographic videos of what he wanted to do to her and then raped her. Two years after the abuse started, his wife discovered what McDonald was doing and immediately contacted the police. Authorities found more than 10,000 images of child pornography in McDonald's computer and hundreds of video clips that depicted him having sex with his stepdaughter. McDonald's 28-year-old daughter from a previous marriage testified that her father had also abused her as a child.

Texas: Jack Reeves, a retired U.S. Army officer, was convicted of killing his fourth wife, Emelita Reeves, a 26-year-old from the Philippines whom he met through an IMB called "Cherry Blossoms." Emelita had confided to family and friends that Reeves physically and sexually abused her, and told friends she planned to leave him a day before she disappeared. Two of Reeves' previous wives also died under suspicious circumstances (drowning and suicide). During the investigation into Emelita's death, the State re-opened the investigation into Reeves' second wife's death, and obtained a further conviction against him. The State did not have enough evidence to re-open the investigation into the third wife's murder because Reeves had cremated her body. Reeves was also suspected in the mysterious disappearance of a Russian woman with whom he had lived with in 1991.

Virginia/Maryland: A young Ukrainian medical student named "Nina" married "John," a U.S. military officer residing in Virginia whom she met through a Maryland-based IMB with a "satisfaction guaranteed"

policy. Throughout their one-year marriage, John repeatedly physically and emotionally abused Nina, shaking her violently and insisting that she repeat the commands he gave her. He choked, raped, and beat her on several occasions, ripped a tooth out of her mouth, and threatened her with a knife. When Nina informed the president of the IMB about the abuse, the president said that Nina's experience was normal and that many girls had the same problem. The president said domestic violence is "just the American culture," and abuse is "very hard to prove."

Washington: Susanna Blackwell met her husband through an IMB called "Asian Encounters" and left the Philippines to settle with him in Washington state in 1994. Blackwell physically abused Susanna, including one incident in which he choked her the day after their wedding. Susanna reported the abuse to the police and obtained a protection order against him. While awaiting divorce/annulment proceedings in a Seattle courtroom many months later, the pregnant Susanna and two of her friends were shot to death. Blackwell was convicted of murdering all three women.

Anastasia King, a young woman from Kyrgyzstan, was found strangled to death and buried in a shallow grave in Washington state in December 2000. At the age of 18, Anastasia was selected by her husband, Indle King, out of an IMB's catalogue of prospective brides. Two years later, wanting another bride and allegedly unwilling to pay for a divorce, King ordered a tenant in their Washington home to kill Anastasia. Weighing nearly 300 pounds, King pinned Anastasia down while the tenant strangled her with a necktie. Both were convicted of murder. King's previous wife, whom he had also met through an IMB, had a domestic violence protection order issued against him and left him because he was abusive.

Mr. KENNEDY. Mr. President, I strongly support the Violence Against Women Act of 2005, and I commend Senator BIDEN, Senator SPECTER, Senator LEAHY and Senator HATCH for their bipartisan leadership on this very important legislation. The current authorization for the act expired on September 30, and it has taken far too long to build upon the successes of existing anti-violence against women programs and enhance the safety and security of the victims of domestic violence, dating violence, sexual assault, and stalking.

We have a responsibility in Congress to do all we can to eradicate domestic violence. Our bill gives the safety of women and their families the high priority it deserves, and I urge my colleagues in the House to support it.

This bill eases housing problems for battered women. It also includes new funds for training health professionals to recognize and respond to domestic and sexual violence, and to help public health officials recognize the need as well. The research funds provided by the bill are vital, because we need the best possible interventions in health care settings to prevent future violence.

Violence against women can occur at any point in a woman's life, beginning in childhood and taking place in a wide variety of circumstances and settings. It's essential for any bill on such violence to include girls and young women as well, and this bill does that.

Another important section of the bill provides greater help to immigrant victims of domestic violence, sexual assault, trafficking and similar offenses. This section will remove the obstacles in our current immigration laws that prevent such victims from safely fleeing the violence in their lives, and help dispel the fear that often prevents them from reporting their abusers to appropriate authorities.

Eliminating domestic violence is especially challenging in immigrant communities, since victims often face additional cultural, linguistic and immigration barriers to their safety. Abusers of immigrant spouses or children are liable to use threats of deportation to trap them in endless years of violence. Many of us have heard horrific stories of violence in cases where the threat of deportation was used against spouses or children—"If you leave me, I'll report you to the immigration authorities, and you'll never see the children again." Or the abuser says, "If you tell the police what I did, I'll have immigration deport you."

Congress has made significant progress in enacting protections for these immigrant victims, but there are still many women and children whose lives are in danger. Our legislation does much more to protect them, and I commend the sponsors for making domestic violence in immigrant communities an important priority.

The improvements in immigration protections in the bill are designed to help prevent the deportation of immigrant victims who qualify for immigration relief under the Violence Against Women Act (VAWA). It will consolidate adjudications of such immigration cases in a specially trained unit, enhance confidentiality protections for victims, and offer protection to vulnerable immigrant victims who had been left out of the protections in current law.

Overall, the bill represents major new progress in protecting women from violence, and I look forward to early action by the House in this important reauthorization.

I ask unanimous consent that a more detailed summary of the provisions on immigrants be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

SECTION 104

This section provides important improvements to legal services for immigrant victims of domestic violence, sexual assault, trafficking and other crimes. This provision authorizes organizations receiving funds from the Legal Services Corporation to use the funds including Legal Services funds to represent any victim of domestic violence, sexual assault, trafficking or other crimes listed under the U visa provisions of the Immigration and Nationality Act. Across the country, many immigrant victims have nowhere to turn for legal help. This section will

allow Legal Services Corporation-funded programs to represent victims in any type of case, including family law, public benefits, health, housing, immigration, restraining orders, and other legal matters, regardless of the victim's immigration status.

SECTION 805

This section assures that self-petitioners under the Act and their children are guaranteed all of the Act's aging out protections and any benefits they qualify for under the Child Status Protection Act of 2002, which deals with the lengthy processing backlogs which made "aging out" a significant problem for child beneficiaries who turned 21 years old.

SECTION 813

This section deals with cases of immigrant victims of abuse who have been ordered removed, or who are subject to expedited removal if they leave the U.S. and attempt to reenter the country later. Once they are reinstated in removal proceedings, they cannot obtain relief under current law, even if they have a pending application for such relief. This section makes clear that the Secretary of Homeland Security, the Attorney General, and the Secretary of State have discretion to consent to a victim's reapplication for admission after a previous order of removal, deportation, or exclusion.

SECTION 814

This section gives the Department of Homeland Security statutory authority to grant work authorization to approved self-petitioners under the Act. This provision will streamline a petitioner's ability to receive work authorization, without having to rely solely upon deferred action as the mechanism through which petitioners receive work authorization.

The section also grants work authorization to abused spouses of persons admitted under the A, E-3, G, or H non-immigrant visa programs. These spouses have legal permission to live in the United States under their spouses' visas, but they are not entitled to work authorization under current law. The spouses and their children are completely dependent on the abuser for their immigration status and financial support, and they often have nowhere to turn for help. Financial dependence on their abusers is a primary reason why battered women are often reluctant to cooperate in domestic violence criminal cases. With employment authorization, many abused spouses protected by this section will be able to work legally, and can have a source of income independent of their abusers.

Requests for work authorization by these abused spouses will be handled under the procedures for petitioners under the Act and the specially trained VAWA unit at the Vermont Service Center will adjudicate these requests.

The VAWA unit employs specially-trained adjudicators who handle petitions filed by at-risk applicants for relief under the Act, for T visas, for U

visas, for adjustment of status and employment authorizations, as well as protections under the Haitian Refugee Immigrant Fairness Act and Sections 202 and 203 of the Nicaraguan Adjustment and Central American Relief Act. The unit also deals with waivers for battered spouses, parole for their children granted VAWA cancellation, and parole for approved petitioners under the Act.

SECTION 818

This section extends confidentiality protections to the Department of Homeland Security, the Department of Justice, and the Department of State. Under these provisions, immigration enforcement agents and government officials may not use information furnished by an abuser, crime perpetrator or trafficker to make an adverse determination on the admissibility or deportability of an individual. One of the goals of this section is to ensure that these government officials do not initiate contact with abusers, call abusers as witnesses, or rely on information from abusers to apprehend, detain and attempt to remove victims of domestic violence, sexual assault, trafficking, or other crimes.

This section gives the specially trained VAWA unit the discretion to refer victims to non-profit non-governmental organizations to obtain a range of needed assistance and services. Referrals should be made to programs with expertise in providing assistance to immigrant victims of violence and can be made only after obtaining written consent from the immigrant victim.

The section also requires the Department of Homeland Security and the Department of Justice to provide guidance to officers and employees who have access to confidential information under this section in order to protect victims of domestic violence, sexual assault, trafficking and other crimes from harm that could result from inappropriate disclosure of confidential information.

SECTION 827

This section deals with issues under the Real ID Act of 2005 which imposes a new national requirement that all applicants for driver's licenses or state identification cards must furnish their physical residential address in order to obtain a federally valid license or identification card. The current requirement jeopardizes victims of violence who may be living in confidential shelters for battered women, or fleeing their abuser. The section instructs the Department of Homeland Security and the Social Security Administration to give special consideration to these victims by allowing them to use an alternate safe address in lieu of their residence. Our goal here is to guarantee the continuing protection and necessary mobility for these women and their families.

SECTION 831

This section is intended to deter abusive U.S. citizens from using the fiancé

visa process and to help foreign fiancés obtain information about their prospective U.S. citizen spouse that can help them protect themselves against domestic violence. Citizens filing K visa fiancé petitions will be required to disclose certain criminal convictions on the K visa application for a fiancé or spouse.

In addition, this section requires the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State to develop an information pamphlet for K visa applicants on the legal rights and available resources for immigrant victims of domestic violence.

Mr. COBURN. Mr. President, the Violence Against Women Act, VAWA, approved by the Senate today contains an important provision that is intended to protect women who have already been victimized once by sexual assault from being assaulted again by either the deadly AIDS virus or the legal system which may deny them potentially life-saving information.

Section 102 of VAWA now encourages States to implement laws that provide victims of sexual assault and rape the opportunity to know if the person indicted for the assault is infected with HIV. This new provision will require the Attorney General to reduce the amount of funding provided under Section 102 by 5 percent to a State or local government that has not demonstrated that laws are in place to allow a victim to request that a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, be tested for HIV disease if the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV. The defendant must undergo the test not later than 48 hours after the date on which the information or indictment is presented, and as soon thereafter as is practicable the results of the test must be made available to the victim. As medically appropriate, the victim may request follow-up testing of the defendant. If a State or local government does not currently allow victims of sexual assault such protections, assurances must be made to the Attorney General that the state legislature will bring their laws into compliance before the end of their next session or within 2 years. The 5 percent penalty will not go into effect until the expiration of the two year extension.

The bill will also now allow Federal VAWA funds to be used to pay for HIV testing of sexual assault perpetrators and notification and counseling programs.

These provisions are desperately needed to address a real, grievous injustice that victims of sexual assault are facing in many states.

In the summer of 1996, a 7-year-old girl was brutally raped by a 57-year-old aged man who later told police he was infected with HIV. The little girl and

If Proposition 69 included an expungement process that was automatic rather than triggered by a petition filed by a suspect, it would be a bureaucratic nightmare to enforce. Law enforcement officials would have to thoroughly investigate each and every aspect of a suspect's criminal history, which would include the burden to discover whether the suspect had ever committed any qualifying crime in any other state. This would increase the workload tremendously for law enforcement officials who are already struggling to do their jobs with limited resources. On the other hand, a suspect should be aware of his or her complete criminal background without this same burden and should be willing to bring this information forward with any claim that they should be excluded from the database.

If this burden were placed on the prosecution instead, these same dilemmas would exist. Furthermore, without any real justification the prosecution could be accused of delaying the expungement process in order to have the testing completed. If a "hit" were to occur during a legislatively mandated expungement process, it would likely cause recusal of the prosecution's office or possible suppression of DNA evidence—which would defeat the usefulness of DNA as a crime fighting tool. Placing the burden on the courts, presents the same sort of challenges. In fact, courts are not even aware of arrestee samples until a criminal case has been filed.

The Federal DNA Act was drafted with an expungement procedure similar to California's. The Act does not require states to expunge profiles unless suspects are able to make a showing that all charges against them were dismissed or resulted in an acquittal, or that no charges were filed within the applicable time period.

Lastly, the Federal DNA Act provides states with DNA backlog elimination grants so that states can clear backlogs of DNA samples that await analysis. These resources will help solve crimes that were committed even decades ago by matching DNA evidence left behind at crime scenes, like saliva from cigarette butts or strands of hair, to the database. Cold cases will be closed and those who have escaped justice will finally be prosecuted. Ultimately, this provision will identify and remove dangerous offenders from the streets and make our neighborhoods safer.

Thank you for your leadership in public safety. Please feel free to contact me anytime regarding this or any other criminal justice matter.

Very truly yours,

DAVID LABAHN,
*Executive Director, California
District Attorneys Association.*

Mr. BIDEN. Mr. President, I rise today to express my appreciation to my colleagues for passing for the second time this session, the Violence Against Women Act of 2005. Once again the Senate has spoken loudly and clearly that domestic violence and sexual assault are serious, public crimes that must be addressed. Today's bill is a tremendous compromise measure that merges the comprehensive, Senate-passed Violence Against Women Act, S. 119, with the House of Representative's Department of Justice Appropriations Authorization Act bill, H.R. 3402. This merger followed hours of bipartisan, bicameral negotiations. Compromises and edits were made, and what emerges is a balanced bill that strikes the right balance between reju-

venating core programs, making targeted improvements, and responsibly expanding the Violence Against Women Act to reach the needs of America's families.

The enactment of the Violence Against Women Act in 1994 was the beginning of a historic commitment to women and children victimized by domestic violence and sexual assault. While not the single cause, this commitment has made our streets and homes safer. Since the Act's passage in 1994, domestic violence has dropped by almost 50 percent incidents of rape are down by 60 percent and the number of women killed by an abusive husband or boyfriend is down by 22 percent. Today, more than half of all rape victims are stepping forward to report the crime. And since we passed the Act in 1994, over a million women have found justice in our courtrooms and obtained domestic violence protection orders.

This is a dramatic change from a decade ago. Back then, violence in the household was treated as a "family matter" rather than a criminal justice issue. Because we took action, the criminal justice system is much better equipped to handle domestic violence, and it is treated for what it is—criminal. The goal of the legislation passed here today is to usher the Violence Against Women Act into the 21st century. With this bill we attempt to look beyond the immediate crisis and take steps to not only punish offenders, but to also help victims get their lives back on track, and prevent domestic violence and sexual assault from occurring in the first place.

The bill contains much to commend. To that end, I will ask unanimous consent to include at the close of my statement a thorough section-by-section summary of H.R. 3402, but in the meantime, I would like to highlight some of the bill's provisions.

Title I, the bill's backbone, focuses on the criminal justice system and includes provisions to: (1) renew and increase funding to over \$400 million a year for existing, fundamental grant programs for law enforcement, lawyers, judges and advocates; (2) stiffen existing criminal penalties for repeat federal domestic violence offenders; and (3) appropriately update the criminal law on stalking to incorporate new surveillance technology like Global Positioning System, GPS.

Notably, our bill reauthorizes the Court Appointed Special Advocates, "CASA," a nationwide volunteer program to help children in the judicial system. Children are doubly impacted by family violence—both as observers of, and recipients of abuse. Court Appointed Special Advocates fit uniquely into the mix of services for victims of violence. Judges overwhelmingly report that children and families are better served by the involvement of a CASA volunteer on their cases. I hope that my colleagues see fit to fully appropriate this effective program, and in the future, raise the program's authorization level.

The Violence Against Women Act has always included measures to help law enforcement and victim service providers reach underserved communities. Today's bill goes even further by creating a new, targeted culturally and linguistically specific service grant program. This provision is intended to ensure that the Act's resources reach racial and ethnic communities grappling with family violence and its enormous ramifications.

The Violence Against Women Act crafts a coordinated community response that seeks the participation of police, judges, prosecutors, and the host of entities who care for the victims. Title II helps victim service providers by: (1) creating a new, dedicated grant program for sexual assault victims that will strengthen rape crisis centers across the country; (2) reinvigorating programs to help older and disabled victims of domestic violence; (3) strengthening and expanding existing programs for rural victims and victims in underserved areas; and (4) removing a current cap on funding for the National Domestic Violence Hotline.

Sexual violence is a crime that affects children and adults across our country. Unfortunately, rape has been a crime shrouded in secrecy and shame. Sexual assault survivors can experience physical and emotional problems for years. Approximately 1,315 rape crisis centers across the country help victims of rape, sexual assault, sexual abuse, and incest rebuild their lives by providing a range of vital services to survivors. But unfortunately, many rape crisis centers are under funded and understaffed. They are constantly in a crisis mode, responding to the needs of all victims—male, female as well as children—and are incapable of undertaking large-scale prevention efforts in their communities.

In response to this overwhelming need, our bill will provide increased resources to serve sexual assault victims. It includes, for the first time, a dedicated Federal funding stream for sexual assault programs through the proposed Sexual Assault Services Program, SASA. SASA will fund direct services to victims, including general intervention and advocacy, accompaniment through the medical and criminal justice processes, support services, and related assistance.

Reports indicate that up to ten million children experience domestic violence in their homes each year. The age at which a female is at greatest risk for rape or sexual assault is 14. Two-thirds of all sexual assault victims reported to law enforcement are under 18, and national research suggests that 1 in 5 high-school girls is physically or sexually abused by a dating partner. Treating children who witness domestic violence, dealing effectively with violent teenage relationships and teaching prevention strategies to children are keys to ending the cycle of violence. This reauthorization takes bold steps to address the needs of young

people by renewing successful programs and creating new programs to: (1) promote collaboration between domestic violence experts and child welfare agencies; and (2) enhance to \$15 million a year grants to reduce violence against women on college campuses.

Critical prevention initiatives are contained in title IV, including programs supporting home visitations for families at risk, and initiatives that specifically engage men and boys in efforts to end domestic and sexual violence. We can no longer be satisfied with punishing abusers after the fact and trying to help a woman pull her life back together—we must end the violence before it ever starts. We must end it, not just mend it.

Violence against women is a health care issue of enormous proportions with one in three women expected to experience such violence at some point in their lives. It also has enormous health consequences for women and children, leading to serious injuries and disease, including substance abuse, chronic, serious pain and sexually transmitted infections including HIV/AIDS. We know pregnant women are particularly at risk for violence with increased levels of abuse accounting for injuries to the mother and developing fetus. In fact, homicide is a leading cause of death for pregnant and recently pregnant women.

Consequently, doctors and nurses, like police officers on the beat, are often the first witnesses of the devastating aftermath of abuse. Unfortunately, most health care providers are not currently trained on how to screen for, identify, document and treat or refer for violence-related illnesses or injuries. That's why the new health care programs in the Act are so essential—they provide an opportunity to intervene much earlier in the cycle of violence, before it becomes life threatening, and they provide a chance to reach out to children who may be growing up in violent homes.

In some instances, women face the untenable choice of returning to their abuser or becoming homeless. Indeed, 44 percent of the nation's mayors identified domestic violence as a primary cause of homelessness. Efforts to ease the housing problems for battered women are contained in Title VI, including (1) \$20 million grant programs to facilitate collaboration between domestic violence organizations and housing providers; (2) programs to combat family violence in public and assisted housing, including new requirements that domestic violence victims may not be evicted or cut off from voucher services because of the violence; and (3) enhancements to transitional housing resources.

In some instances, victims of domestic violence who apply for or reside in public and subsidized housing are evicted or turned away because of the violence against them. A scream for help, a shot being fired, or the sound of police sirens is cited as a "disruptive sound" justifying eviction. In a recent

nationwide survey, local housing and domestic violence attorneys across the country reported over 500 documented cases where victims were evicted because of the domestic violence committed against them.

Sections 606 and 607 of the Act provide important protections in public housing and the Section 8 program for victims of domestic violence and stalking. These sections prohibit denial of housing assistance based on the individual's status as a victim of domestic violence, dating violence, or stalking. With certain exceptions, they also prohibit terminating a victim's tenancy or rental assistance because of the violence against him or her. When women know they may lose their homes if their housing provider learns about the violence, they will seek to keep the abuse secret at all costs and thus, will often be unable to take the steps necessary to keep themselves and their families safe.

While protecting victims against retaliation, Sections 606 and 607 permit public housing authorities and private landlords to evict or end voucher assistance to perpetrators of domestic violence. It also ensures that landlords and housing providers can effectively manage their properties and maintain important discretionary authority. The Act allows landlords to bifurcate a lease to remove a perpetrator while maintaining a victim's tenancy and evict victims who commit other lease violations or if the tenancy creates an actual and imminent threat to the public safety. Further, the Act clarifies that landlords should not be held liable simply for complying with the statute. Sections 606 and 607 benefited greatly from the input by the national associations representing landlords and U.S. Department of Housing and Urban Development, including the National Association of Realtors, the National Multi-Housing Council, and the National Leased Housing Association.

It may be useful if the U.S. Department of Housing and Urban Development issues guidance or regulations to assist with the implementation of these sections. Certain nonprofit organizations and other government agencies that have expertise in domestic violence, dating violence, sexual assault or stalking, or in housing law and policy, could provide valuable guidance to HUD in creating such guidance and regulations.

Title VII helps abused women maintain economic security by establishing a national resource center to provide information to employers and labor organizations so that they may effectively help their employees who are victims of domestic violence. I had hoped that provisions from Senator MURRAY's Security and Financial Empowerment Act, SAFE, would have remained in the bill. This amendment would provide some fundamental economic protections for victims of domestic violence and sexual assault. Just as the Family Medical Leave Act protects individuals caring for a sick loved one, the SAFE Act would allow

domestic violence victims to take time off from work to appear in court cases and other judicial proceedings without jeopardizing their employment at a time they need it the most. It is my hope that the Senate will revisit this issue soon.

Immigrant women often face a difficult time escaping abuse because of immigration laws, language barriers, and social isolation. Title VIII of today's bill builds on the progress of VAWA 1994 and VAWA 2000 to remove obstacles hinder or prevent immigrants from fleeing domestic abuse and participating in prosecutions. Further, the bill expands VAWA relief to: (1) elder abuse victims who have been abused by adult U.S. citizen sons or daughters; and (2) victims of child abuse or incest who are less than 25 and would have qualified as child self-petitioners. It will allow adopted children who have been abused by an adoptive parent to obtain permanent residency without having to reside with the abusive parent for 2 years. In an important move to help battered immigrant women achieve desperately-needed economic stability, the bill permits employment authorization to battered women and abused spouses of certain non-immigrants.

Title VIII enhances immigration protection for victims of trafficking by removing barriers that block some victims from accessing to T and U visas. Title VIII also facilitates the reunion of trafficking victims with their family members abroad who are in danger of retaliation from international traffickers, and will increase access to permanent residency for victims of severe forms of trafficking who are cooperating in trafficking prosecutions. Finally, title VIII will arm foreign fiancées with background information about their U.S. citizen fiancé, and will educate foreign fiancées about U.S. domestic violence laws and resources.

In an effort to focus more closely on violence against Indian women, title IX creates a new tribal Deputy Director in the Office on Violence Against Women dedicated to coordinating Federal policy and tribal grants. It also authorizes the Office to pool funds available to tribes and tribal organizations in various VAWA programs. In addition, Title IX authorizes tribal governments to access and upload domestic violence and protection order data on criminal databases, as well as create tribal sex offender registries, and strengthens available criminal penalties.

No doubt, today's bill is comprehensive; it speaks to the many complexities presented by domestic violence and sexual assault. I am indebted to a whole host of groups who worked on this measure and/or voiced their support throughout the journey from introduction to passage, including the American Bar Association, the National Association of Attorneys General, the International Association of Forensic Nurses, the American Medical Association, the National Sheriffs Association, the National Coalition

Against Domestic Violence, the National Congress of American Indians, the National Network to End Domestic Violence, the Family Violence Prevention Fund, Legal Momentum, the National Alliance to End Sexual Violence, the National Center for Victims for Crime, the National District Attorneys Association, the National Council on Family and Juvenile Court Judges, the National Association of Chiefs of Police, and many others. I am grateful for the work each of you does each day to make our families safer and healthier.

The legislation being passed today also demonstrates Congress's commitment to the Office of Community Oriented Policing Services, COPS. This program has been widely credited for helping to reduce crime rates over the past 10 years. It was deemed a "miraculous success" by Attorney General Ashcroft, and law enforcement experts from top to bottom, including Attorney General Gonzalez, police chiefs, and sheriffs, have all testified to its effectiveness at combating crime. While many politicians have argued this point, the Government Accountability Office conclusively established a statistical link between COPS hiring grants and crime reductions. We know that the COPS program works, and the legislation we are passing today recognizes this fact by re-authorizing the COPS program for the next 5 years at \$1.05 billion per year.

In addition, this legislation also updates the COPS program grant making authority by providing more flexibility for local agencies in applying for assistance. It still includes many of the hallmarks that attributed to its success, such as reducing redtape by allowing local agencies to apply directly to the Federal Government for assistance, and providing grants on a three-year basis to facilitate long-term planning. The major improvement is that agencies will now be able to submit one application for its various funding needs, including hiring officers, purchase equipment, pay officers' overtime, and other programs that will increase the number of officers deployed in community oriented policing services. Originally, agencies had to make separate grant applications for the various purpose areas of the program. In addition, it allows the COPS program to award grants for officers hired to perform intelligence, anti-terror, or homeland security duties. Providing local agencies with this type of flexibility is a step forward.

While re-authorizing the COPS program is important, the next step is for the appropriators to fund the program at authorized levels. Back in the nineties, we invested roughly \$2.1 billion for state and local law enforcement each year. We are safer today because of these investments. Over the past 5 years, we have adopted a wrong-headed approach of cutting funding for our state and local law enforcement partners. And, the recently passed Commerce, Justice, Science budget allo-

cated less than \$800 million for state and local law enforcement assistance, and it zeroed out the COPS hiring program. I agree with the International Association of Chiefs of Police and the National Sheriffs Association that these cuts leave us more vulnerable to crime and terrorism. In this bill, the Congress demonstrated its support for the COPS program, but the real test will come when we make funding decisions in the future. For the safety and security of the American people, I will be fighting for the Congress to fully fund the COPS program at the newly authorized levels of \$1.05 billion per year.

I have many partners here in the Senate and in the House of Representatives who have worked tirelessly on this bill. Chairman SENSENBRENNER and Ranking Member CONYERS were committed to reauthorizing the Violence Against Women Act, and spent countless hours working on a resolution. Our negotiations were model ones—I wish bicameral relations were always so easy.

Senator REED and Senator ALLARD were very helpful on the act's housing provisions, and Senator ENZI helped craft some of the victim service providers. I appreciate their assistance and help to move this bill forward. With respect to the Native American provisions, Senator MCCAIN and Senator DORGAN provided instrumental guidance.

Since 1990, Senator HATCH and I have worked together to end family violence in this country, so it is no great surprise that once again he worked side-by-side with us to craft today's bill. I am also deeply indebted to Senator KENNEDY for his unwavering commitment to battered immigrant women and his work on the bill's immigration provisions. Senator KENNEDY's staff, particularly Janice Kaguyutan, have been invaluable to this process. I also thank Senator LEAHY who has long supported the Violence Against Women Act and, in particular, has worked on the rural programs and transitional housing provisions. As Ranking Member of the Judiciary Committee, Senator LEAHY has consistently pushed forward reauthorization of the Violence Against Women Act, and his staff, chief counsel Bruce Cohen, Tara Magner, and Jessica Berry have worked hard for passage. My final appreciation is for my very good friend from Pennsylvania for his commitment and leadership on this bill. It is a pleasure to work with Chairman SPECTER, and his staff Brett Tolman, Lisa Owings, Joe Jacquot, Juria Jones and chief counsel Mike O'Neill. From day one, Chairman SPECTER has been one of this bill's biggest champion. Chairman SPECTER is the reason a bipartisan, bicameral compromise measure is being passed today and I thank him.

Mr. President, I ask unanimous consent that the section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY OF THE VIOLENCE AGAINST WOMEN ACT OF 2005

Sec. 1. Short Title.

Sec. 2. Table of Contents.

Sec. 3. Universal Definitions and Grant Conditions. This section aggregates existing and new definitions of terms applicable to the Act. (Previously, relevant definitions were scattered in various Code provisions.) The section also sets forth universal conditions that apply to the Act's new and existing grant program.

TITLE I ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

Sec. 101. STOP (Services and Training for Officers and Prosecutors) Grants Improvements. This section reauthorizes the cornerstone of the Act, the STOP program, at \$225,000,000 annually for 2007 through 2011 (it is currently authorized at \$185 million annually). This program provides state formula grants that bring police and prosecutors in close collaboration with victim services providers. Technical amendments increase the focus on appropriate services for underserved communities and ensure victim confidentiality.

Sec. 102. Grants to Encourage Arrest and Enforcement of Protection Order Improvements. This fundamental Department of Justice program is reauthorized at \$75,000,000 annually for 2007 through 2011 (it is currently authorized at \$65 million annually). States and localities use this funding to develop and strengthen programs and policies that encourage police officers to arrest abusers who commit acts of violence or violate protection orders. Amendments will provide technical assistance to improve tracking of cases in a manner that preserves confidentiality and privacy protections for victims. Purposes are amended to encourage victim service programs to collaborate with law enforcement to assist pro-arrest and protection order enforcement policies. In addition, this section authorizes family justice centers and extends pro-arrest policies to sexual assault cases.

Sec. 103. Legal Assistance for Victims Improvement. This section reauthorizes the grant program for legal services for protection orders and related family, criminal, immigration, administrative agency, and housing matters. It allows victims of domestic violence, dating violence, stalking, and sexual assault to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services, when they require legal assistance as a consequence of violence. This program has been expanded to provide services to both adult and youth victims. Previously authorized at \$40,000,000 annually, funding is set at \$65,000,000 annually for 2007 through 2011, to be administered by the Attorney General. This provision also includes an amendment to ensure that all legal services organizations can assist any victim of domestic violence, sexual assault and trafficking without regard to the victim's immigration status. The organizations can use any source of funding they receive to provide legal assistance that is directly related to overcoming the victimization, and preventing or obtaining relief for the crime perpetrated against them that is often critical to promoting victim safety.

Sec. 104. Ensuring Crime Victim Access to Legal Services. This section eases access to legal services for immigrant victims of violent crimes.

Sec. 105. The Violence Against Women Act Court Training and Improvements. This section creates a new program to educate the