anges also make the development enhancement of data collection sharing systems to promote enement of protection orders a fundpriority. Another improvement reires recipients of STOP and Pro-Ar- grant funds, as a condition of fund- to facilitate the filing and service protection orders without cost to victim in both civil and criminal

ditionally, the legislation reauorizes the National Domestic Vio- Hotline and rape prevention and cation grant programs. It also con- three victims of child abuse pro- including the court-appointed dial advocate program. The Rural mestic Violence and Child Abuse Enement Grants are reauthorized ough 2005. This direct grant pro- which focuses on problems par- ar to rural areas, will specifically Utah and other states and local rnments with large populations ng in rural areas.

econd, the legislation includes tard improvements that our experi- with the original Act has shown be necessary. For example, VAWA horizes grants for legal assistance victims of domestic violence, stalk- and sexual assault. It provides ding for transitional housing assist- e, an extremely crucial complement the shelter program, which was sug- ted early on by persons in my home te of Utah. It also improves full ith and credit enforcement and com- terized tracking of protection orders prohibiting notification of a tterer without the victim's consent ien an out-of-state order is registered a new jurisdiction. Another impor- t addition to the legislation exnds several key grant programs to ver violence that arises in dating re- ionships. Finally, it makes impor- t revisions to the immigration laws protect battered immigrant women. There is no doubt that women and ildren in my home state of Utah will nefit from the improvements made this legislation. Mr. President, this the type of legislation that can ef- t positive changes in the lives of all mericans. It provides assistance to ttered women and their children hen they need it the most. It provides ope to those whose lives have been battered by domestic violence.

I am proud to have worked with the omen's groups in Utah and elsewhere n seeing that VAWA is reauthorized. With their help, we have been able to make targeted improvements to the original legislation that will make crucial services better and more available to women and children who are trapped in relationships of terror. I am proud of this achievement and what it will do to save the lives of victims of domestic violence.

In closing, I again want to thank Senators BIDEN and ABRAHAM, Congressman BILL MCCOLLUM, and Congresswoman CONNIE MORELLA for their leadership on and dedication to the issue of domestic violence. Legislators from both sides of the aisle in both Houses of Congress have been committed to ensuring that this legislation becomes law. I am proud to have worked with my fellow legislators to achieve this goal, which will bring much needed assistance to the victims of domestic violence.

Madam President, I am not just talking about violence against women legislation and the work that Senator BIDEN and I have done through the years to make it a reality. I actually worked very hard in my home State to make sure we have women-in-jeopardy programs, battered women shelters, psychiatric children programs, and other programs of counseling, so that they can be taken care of in conjunction with the Violence Against Women Act and the moneys we put up here. In fact, we hold an annual charitable golf tournament that raises between $500,000 and $700,000 a year, most of which goes for seed money to help these women-in-jeopardy programs, children's psychiatric, and other programs in ways that will help our society and families.

I believe in this bill. I believe it is something we should do. I think everybody ought to vote for it, and I hope, no matter what happens today, we pass this bill, get it into law, and do what is right for our women and children—and sometimes even men who are also covered by this bill because it is neutral. But I hope we all know that it is mostly women who suffer. I hope we can get this done and do it in a way that really shows the world what a great country we live in and how much we are concerned about women, children, families, and doing something about some of the ills and problems that beset us.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes 15 seconds remaining.

Mr. HATCH. Madam President, let me use 1 more minute, and I will make a couple more comments. I want to express my strong support for the underlying bill in this conference report dealing with victims of sex trafficking. I am proud to have worked with my colleagues on the Foreign Relations Committee, led by Senators BROWNBACK and WELLSTONE for much of this past summer, on the significant criminal and immigration provisions in this legislation. This is an important measure that will strengthen the ability of law enforcement to combat international sex trafficking and provide needed assistance to the victims of such trafficking. I think we can all be very proud of this effort.

Before I conclude, Mr. President, I want to thank all of the committed staff members on both sides of the aisle and on several committees for their talented efforts to get this legislation done.

First, on Senator BIDEN'S staff, I thank Alan Hoffman, chief of Staff for his tireless commitment, as well as current counsel Bonnie Robin-Vergeer and former counsel Sheryl Walters. They are truly professionals.

On Senator ABRAHAM'S staff, I'd like to thank Lee Otis, and her counterpart on Senator KENNEDY'S staff, Esther Olavarria.

On the Foreign Relations Committee, I'd like to express my thanks to staff Director Biegun and the committed staffs of Senator BROWNBACK and WELLSTONE, including Sharon Payt and Karen Knutson.

And finally, Mr. President, there are many dedicated people on my own staff who deserve special recognition. I thank my chief counsel and staff director, Manus Cooney, as well as Sharon Prost, Maken Delrahim, and Leah Belaire.

I ask unanimous consent that a joint managers' statement be printed in the RECORD.

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

Mr. President, we are very pleased that the Senate has taken up and passed the Biden-Hatch Violence Against Women Act of 2000 today. We have worked hard together over the past year to produce a bipartisan, streamlined bill that has gained the support of Senators from Both sides of the aisle.

The enactment of the Violence Against Women Act in 1994 signaled the beginning of a national and historic commitment to the women and children in this country victimized by family violence and sexual assault. Today we renew that national commitment.

The original Act changed our laws, strengthened criminal penalties, facilitated enforcement of protection orders from state to state, and committed federal dollars to police, prosecutors, battered women shelters, a national domestic violence hotline, and other measures designed to crack down on batterers and offer the support and services that victims need in order to leave their abusers.

These programs are not only popular, but more importantly, the Violence Against Women Act is working. The latest Department of Justice statistics show that overall, violence against women by intimate partners is down, falling 21 percent from 1993 (just prior to the enactment of the original Act) to 1998.

States, counties, cities, and towns across the country are creating a seamless network of services for victims of violence against women—from law enforcement to legal services, from medical care and crisis counseling, to shelters and support groups. The Violence Against Women Act has made, and is making, a real difference in the lives of millions of women and children.

Not surprisingly, the support for the bill is overwhelming. The National Association of Attorneys General has sent a letter calling for the bill's enactment signed by every state Attorney General in the country. The National Governors' Association support the bill. The American Medical Association. Police chiefs in every state Sheriffs. District Attorneys. Women's groups. Nurses, Battered women's shelters. The list goes on and on.

For far too long, law enforcement, prosecutors, the courts, and the community at large treated domestic abuse as a "private family matter," looking the other way when women suffered abuse at the hands of their supposed loved ones. Thanks in part to the original Act, violence against women is no longer a

private matter, and the time when a woman has to suffer in silence because the criminal who is victimizing her happens to be her husband or boyfriend has past. Together—at the federal, state, and local levels—we have been steadily moving forward, step by step, along the road to ending this violence once and for all. But there is more that we can do, and more that we must do.

The Biden-Hatch Violence Against Women Act of 2000 accomplishes two basic things:

First, the bill reauthorizes through Fiscal Year 2005 the key programs included in the original Violence Against Women Act, such as the STOP, Pro-Arrest, Rural Domestic Violence and Child Abuse Enforcement, and campus grants programs; battered women's shelters; the National Domestic Violence Hotline; rape prevention and education grant programs; and three victims of child abuse programs, including the court-appointed special advocate program (CASA).

Second, the Violence Against Women Act of 2000 makes some targeted improvements that our experience with the original Act has shown to be necessary, such as—

(1) Authorizing grants for legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) Providing funding for transitional housing assistance;

(3) Improving full faith and credit enforcement and computerized tracking of protection orders;

(4) Strengthening and refining the protections for battered immigrant women;

(5) Authorizing grants for supervised visitation and safe visitation exchange of children between parents in situations involving domestic violence, child abuse, sexual assault, or stalking; and

(6) Expanding several of the key grant programs to cover violence that arises in dating relationships.

Although this Act does not extend the Violent Crime Reduction Trust Fund, it is the managers' expectation that if the Trust Fund is extended beyond Fiscal Year 2000, funds for the programs authorized or reauthorized in the Violence Against Women Act of 2000 would be appropriated from this dedicated funding source.

Several points regarding the provisions of Title V, the Battered Immigrant Women Protection Act of 2000, bear special mention. Title V continues the work of the Violence Against Women Act of 1994 ("VAWA") in removing obstacles inadvertently interposed by our immigration laws that many hinder or prevent battered immigrants from fleeing domestic violence safely and prosecuting their abusers by allowing an abusive citizen or lawful permanent resident to blackmail the abused spouse through threats related to the abused spouse's immigration status. We would like to elaborate on the rationale for several of these new provisions and how that rationale should inform their proper interpretation and administration.

First, section 1503 of this legislation allows battered immigrants who unknowingly marry bigamists to avail themselves of VAWA's self-petition procedures. This provision is also intended to facilitate the filing of a self-petition by a battered immigrant married to a citizen or lawful permanent resident with whom the battered immigrant believes he or she had contracted a valid marriage and who represented himself or herself to be divorced. To qualify, a marriage ceremony, either in the United States or abroad, must actually have been performed. We would anticipate that evidence of such a battered immigrant's legal marriage to the abuser through a marriage certificate or marriage license would ordinarily suffice as proof that the immigrant is eligible to petition for classification as a spouse without the submission of divorce decrees from each of the abusive citizen's or lawful permanent resident's former marriages. For an abused spouse to obtain sufficient detailed information about the date and the place of each of the abuser's former marriages and the date and place of each divorce, as INS currently requires, can be a daunting, difficult and dangerous task, as this information is under the control of the abuser and the abuser's family members. Section 1503 should relieve the battered immigrant of that burden in the ordinary case.

Second, section 1503 also makes VAWA relief available to abused spouses and children living abroad of citizens and lawful permanent residents who are members of the uniformed services or government employees living abroad, as well as to abused spouses and children living abroad who were abused by a citizen or lawful permanent resident spouse or parent in the United States. We would expect that INS will take advantage of the expertise the Vermont Service Center has developing in deciding self-petitions and assign it responsibility for adjudicating these petitions even though they may be filed at U.S. embassies abroad.

Third, while VAWA self-petitioners can include their children in their applications, VAWA cancellations of removal applicants cannot. Because there is a backlog for applications for minor children of lawful permanent residents, the grant of permanent residency to the applicant parent and the theoretical available of derivative status to the child at that time does not solve this problem. Although in the ordinary cancellation case the INS would not seek to deport such a child, an abusive spouse may try to bring about that result in order to exert power and control over the abused spouse. Section 1504 directs the Attorney General to parole such children, thereby enabling them to remain with the victim and out of the abuser's control. This directive should be understood to include a battered immigrant's children whether or not they currently reside in the United States, and therefore to include the use of his or her parole power to admit them if necessary. The protection offered by section 1504 to children abused by their U.S. citizen or lawful permanent resident parents is available to the abused child even though the courts may have terminated the parental rights of the abuser.

Fourth, in an effort to strengthen the hand of victims of domestic abuse, in 1996 Congress added crimes of domestic violence and stalking to the list of crimes that render an individual deportable. This change in law has had unintended negative consequences for abuse victims because despite recommended procedures to the contrary, in domestic violence cases many officers still makes dual arrests instead of determining the primary perpetrator of abuse. A battered immigrant may well not be in sufficient control of his or her life to seek sufficient counsel before accepting a plea agreement that carries little or no jail time without understanding its immigration consequences. The abusive spouse, on the other hand, may understand those consequences well and may proceed to turn the abuse victim in to the INS.

To resolve this problem, section 1505(b) of this legislation provides the Attorney General with discretion to grant a waiver of deportability to a person with a conviction for a crime of domestic violence or stalking that did not result in serious bodily injury and that was connected to abuse suffered by a battered immigrant who was not the primary perpetrator of abuse in a relationship. In determining whether such a waiver is warranted, the Attorney General is to consider the full history of domestic violence in the case, the effect of the domestic violence on any children, and the crimes that are being committed against the battered immigrant. Similarly, the Attorney General is to take the same types of evidence into account in determining under sections 1503(d) and 1504(a) whether a battered immigrant has proven that he or she is a person of good moral character and whether otherwise disqualifying conduct should not operate as a bar to that finding because it is connected to the domestic violence, including the need to escape an abusive relationship. This legislation also clarifies that the VAWA evidentiary standard under which battered immigrants in self-petition and cancellation proceedings may use any credible evidence to prove abuse continues to apply to all aspects of self-petitions and VAWA cancellation as well as to the various domestic violence discretionary waivers in this legislation and to determinations concerning U visas.

Fifth, section 1505 makes section 212(i) waivers available to battered immigrants on a showing of extreme hardship to, among others, a "qualified alien" parent or child. The reference intended here is to the current definition of a qualified alien from the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, found at 8 U.S.C. 1641.

Sixth, section 1506 of this legislation extends the deadline for a battered immigrant to file a motion to reopen removal proceedings, now set at 90 days after the entry of an order of removal, to one year after final adjudication of such an order. It also allows the Attorney General to waive the one year deadline on the basis of extraordinary circumstances or hardship to the alien's child. Such extraordinary circumstances may include but would not be limited to an atmosphere of deception, violence, and fear that make it difficult for a victim of domestic violence to learn of or take steps to defend against or reopen an order of removal in the first instance. They also include failure to defend against removal or file a motion to reopen within the deadline on account of a child's lack of capacity due to age. Extraordinary circumstances may also include violence or cruelty of such a nature that, when the circumstances surrounding the domestic violence and the consequences of the abuse are considered, not allowing the battered immigrant to reopen the deportation or removal proceeding would thwart justice or be contrary to the humanitarian purpose of this legislation. Finally, they include the battered immigrant's being made eligible by this legislation for relief from removal not available to the immigrant before that time.

Seventh, section 1507 helps battered immigrants more successfully protect themselves from ongoing domestic violence by allowing battered immigrants with approved self-petitions to remarry. Such remarriage cannot serve as the basis for revocation of an approved self-petition or rescission of adjustment of status.

There is one final issue that has been raised, recently, which we would like to take this opportunity to address, and that is the eligibility of men to receive benefits and services under the original Violence Against Women Act and under this reauthorizing legislation. The original Act was enacted in 1994 to respond to the serious and escalating problem of violence against women. A voluminous legislative record compiled after four years of congressional hearings demonstrated convincingly that certain violent crimes, such as domestic violence and sexual assault, disproportionally affect women, both in terms of the sheer number of assaults and the seriousness of the injuries inflicted. Accordingly, the Act, through several complementary grant programs, made it

ddress domestic violence and
targeted at women, even
, of course, are not alone in
this type of violence.
tistics justify a continued focus
targeted against women. For ex-
port by the U.S. Department of
ean of Justice Statistics issued
on Intimate Partner Violence
crimes committed against per-
rrent or former spouses, boy-
irlfriends—termed intimate part-
nce—is "committed primarily
men." Of the approximately 1 mil-
crimes committed by intimate
1998, 876,340, or about 85 percent,
itted against women. Women
of intimate partner violence at
5 times that of men. That same
n represented nearly 3 out of 4
the 1,830 murders attributed to in-
timers. Indeed, while there has been
rease over the years in the rate of
men by intimates, the percentage
urder victims killed by intimates
d stubbornly at about 30 percent

the need to direct federal funds to-
most pressing problem, it was not,
t, the intent of Congress categori-
exclude men who have suffered do-
buse or sexual assaults from receiv-
its and services under the Violence
Women Act. The Act defines such
as "domestic violence" and "sex-
ault," which are used to determine
ty under several of the grant pro-
including the largest, the STOP grant
, in gender-neutral language. Men
e suffered these types of violent at-
re eligible under current law to apply
ices and benefits that are funded
the original Act—and they will remain
e under the Violence Against Women
2000—whether it be for shelter space
the Family Violence Protection and
es Act, or counseling by the National
stic Violence Hotline, or legal assist-
in obtaining a protection order under
egal Assistance for Victims program.
anticipate that the executive branch
ies responsible for making grants under
Act, as amended, will continue to admin-
these programs so as to ensure that
who have been victimized by domestic
nce and sexual assault will receive bene-
and services under the Act, as appro-
te.

e append to this joint statement a sec-
n by section analysis of the bill and a
re detailed section by section analysis of
provisions contained in Title V.
Thank you.

Mr. HATCH. Madam President, I ask unanimous consent that two section-by-section summaries of the Violence Against Women Act be printed in the RECORD.

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

DIVISION B, THE VIOLENCE AGAINST WOMEN ACT OF 2000—SECTION-BY-SECTION SUMMARY

Sec. 1001. Short Title

Names this division the Violence Against Women Act of 2000.

Sec. 1002. Definitions

Restates the definitions "domestic violence" and "sexual assault" as currently defined in the STOP grant program.

Sec. 1003. Accountability and Oversight

Requires the Attorney General or Secretary of Health and Human Services, as applicable, to require grantees under any program authorized or reauthorized by this division to report on the effectiveness of the activities carried out. Requires the Attorney General or Secretary, as applicable, to report biennially to the Senate and House Judiciary Committees on these grant programs.

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

Sec. 1101. Improving Full Faith and Credit Enforcement of Protection Orders

Helps states and tribal courts improve interstate enforcement of protection orders as required by the original Violence Against Women Act of 1994. Renames Pro-Arrest Grants to expressly include enforcement of protection orders as a focus for grant program funds, adds as a grant purpose technical assistance and use of computer and other equipment for enforcing orders; instructs the Department of Justice to identify and make available information on promising order enforcement practices; adds as a funding priority the development and enhancement of data collection and sharing systems to promote enforcement or protection orders.

Amends the full faith and credit provision in the original Act to prohibit requiring registration as a prerequisite to enforcement of out-of-state orders and to prohibit notification of a batterer without the victim's consent when an out-of-state order is registered in a new jurisdiction. Requires recipients of STOP and Pro-Arrest grant funds, as a condition of funding, to facilitate filing and service of protection orders without cost to the victim in both civil and criminal cases.

Clarifies that tribal courts have full civil jurisdiction to enforce protection orders in matters arising within the authority of the tribe.

Sec. 1102. Enhancing the Role of Courts in Combating Violence Against Women

Engages state courts in fighting violence against women by targeting funds to be used by the courts for the training and education of court personnel, technical assistance, and technological improvements. Amends STOP and Pro-Arrest grants to make state and local courts expressly eligible for funding and dedicates 5 percent of states' STOP grants for courts.

Sec. 1103. STOP Grants Reauthorization

Reauthorizes through 2005 this vital state formula grant program that has succeeded in bringing police and prosecutors in close collaboration with victim services providers into the fight to end violence against women. ("STOP" means "Services and Training for Officers and Prosecutors"). Preserves the original Act's allocations of states' STOP grant funds of 25 percent to police and 25 percent to prosecutors, but increases grants to victim services to 30 percent (from 25 percent), in addition to the 5 percent allocated to state, tribal, and local courts.

Sets aside five percent of total funds available for State and tribal domestic violence and sexual assault coalitions and increases the allocation for Indian tribes to 5 percent (up from 4 percent in the original Act).

Amends the definition of "underserved populations" and adds additional purpose areas for which grants may be used.

Authorization level is $185 million/year (FY 2000 appropriation was $206.75 million (including a $28 million earmark for civil legal assistance)).

Sec. 1104. Pro-Arrest Grants Reauthorization

Extends this discretionary grant program through 2005 to develop and strengthen programs and policies that mandate and encourage police officers to arrest abusers who commit acts of violence or violate protection orders.

Sets aside 5 percent of total amounts available for grants to Indian tribal governments.

Authorization level is $65 million/year (FY 2000 appropriation was $34 million).

Sec. 1105. Rural Domestic Violence and Child Abuse Enforcement Grants Reauthorization

Extends through 2005 these direct grant programs that help states and local governments focus on problems particular to rural areas.

Sets aside 5 percent of total amounts available for grants to Indian tribal governments.

Authorization level is $40 million/year (FY 2000 appropriation was $25 million).

Sec. 1106. National Stalker and Domestic Violence Reduction Grants Reauthorization

Extends through 2005 this grant program to assist states and local governments in improving databases for stalking and domestic violence.

Authorization level is $3 million/year (FY 1998 appropriation was $2.75 million).

Sec. 1107. Clarify Enforcement to End Interstate Battery/Stalking

Clarifies federal jurisdiction to ensure reach to persons crossing United States borders as well as crossing state lines by use of "interstate or foreign commerce language." Clarifies federal jurisdiction to ensure reach to battery or violation of specified portions of protection order before travel to facilitate the interstate movement of the victim. Makes the nature of the "harm required for domestic violence, stalking, and interstate travel offenses consistent by removing the requirement that the victim suffer actual physical harm from those offenses that previously had required such injury.

Resolves several inconsistencies between the protection order offense involving interstate travel of the offender, and the protection order offense involving interstate travel of the victim.

Revises the definition of "protection order" to clarify that support or child custody orders are entitled to full faith and credit to the extent provided under other Federal law—namely, the Parental Kidnaping Prevention Act of 1980, as amended.

Extends the interstate stalking prohibition to cover interstate "cyber-stalking" that occurs by use of the mail or any facility of interstate or foreign commerce, such as by telephone or by computer connected to the Internet.

Sec. 1108. School and Campus Security

Extends the authorization through 2005 for the grant program established in the Higher Education Amendments of 1998 and administered by the Justice Department for grants for on-campus security, education, training, and victim services to combat violence against women on college campuses. Incorporates "dating violence" into purpose areas for which grants may be used. Amends the definition of "victim services" to include public, nonprofit organizations acting in a nongovernmental capacity, such as victim services organizations at public universities.

Authorization level is $10 million/year (FY 2000 STOP grant appropriation included a $10 million earmark for this use).

Authorizes the Attorney General to make grants through 2003 to states, units of local government, and Indian tribes to provide improved security, including the placement and use of metal detectors and other deterrent measures, at schools and on school grounds.

Authorization level is $30 million/year.

Sec. 1109. Dating Violence

Incorporates "dating violence" into certain purposes areas for which grants may be used under the STOP, Pro-Arrest, and Rural Domestic Violence and Child Abuse Enforcement grant programs. Defines "dating violence" as violence committed by a person:

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

Sec. 1201. Legal Assistance to Victims of Domestic Violence and Sexual Assault

Building on set-asides in past STOP grant appropriations since fiscal year 1998 for civil legal assistance, this section authorizes a separate grant program for those purposes through 2005. Helps victims of domestic violence, stalking, and sexual assault who need legal assistance as a consequence of that violence to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services. Grants support training, technical assistance, data collection, and support for cooperative efforts between victim advocacy groups and legal assistance providers.

Defines the term "legal assistance" to include assistance to victims of domestic violence, stalking, and sexual assault in family, immigration, administrative agency, or housing matters, protection or stay away order proceedings, and other similar matters. For purposes of this section, "administrative agency" refers to a federal, state, or local governmental agency that provides financial benefits.

Sets aside 5 percent of the amounts made available for programs assisting victims of domestic violence, stalking, and sexual assault in Indian country; sets aside 25 percent of the funds used for direct services, training, and technical assistance for the use of victims of sexual assault.

Appropriation is $40 million/year (FY 2000 STOP grant appropriation included a $28 million earmark for this use).

Sec. 1202. Expanded Shelter for Battered Women and Their Children

Reauthorizes through 2005 current programs administered by the Department of Health and Human Services to help communities provide shelter to battered women and their children, with increased funding to provide more shelter space to assist the tens of thousands who are being turned away.

Authorization level is $175 million/year (FY 2000 appropriation was $101.5 million).

Sec. 1203. Transitional Housing Assistance for Victims of Domestic Violence

Authorizes the Department of Health and Human Services to make grants to provide short-term housing assistance and support services to individuals and their dependents who are homeless or in need of transitional housing or other housing assistance as a result of fleeing a situation of domestic violence, and for whom emergency shelter services are unavailable or insufficient.

Authorization level is $25 million for FY 2001.

Sec. 1204. National Domestic Violence Hotline

Extends through 2005 this grant to meet the growing demands on the National Domestic Violence Hotline established under the original Violence Against Women Act due to increased call volume since its inception.

Authorization level is $2 million/year (FY 2000 appropriation was $2 million).

Sec. 1205. Federal Victims Counselors Grants Reauthorization

Extends through 2005 this program under which U.S. Attorney offices can hire counselors to assist victims and witnesses in prosecution of sex crimes and domestic violence crimes.

Authorization level is $1 million/year (FY 1998 appropriation was $1 million).

Sec. 1206. Study of State Laws Regarding Insurance Discrimination Against Victims of Violence Against Women.

Requires the Attorney General to conduct a national study to identify state laws that address insurance discrimination against victims of domestic violence and submit recommendations based on that study to Congress.

Sec. 1207. Study of Workplace Effects from Violence Against Women

Requires the Attorney General to conduct a national survey of programs to assist employers on appropriate responses in the workplace to victims of domestic violence or sexual assault and submit recommendations based on that study to Congress.

Sec. 1208. Study of Unemployment Compensation For Victims of Violence Against Women

Requires the Attorney General to conduct a national study to identify the impact of state unemployment compensation laws on victims of domestic violence when the victim's separation from employment is a direct result of the domestic violence, and to submit recommendations based on that study to Congress.

Sec. 1209. Enhancing Protections for Older and Disabled Women from Domestic Violence and Sexual Assault.

Adds as new purposes areas to STOP grants and Pro-Arrest grants the development of policies and initiatives that help in identifying and addressing the needs of older and disabled women who are victims of domestic violence or sexual assault.

Authorizes the Attorney General to make grants for training programs through 2005 to assist law enforcement officers, prosecutors, and relevant court officers in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals.

Authorization is $5 million/year.

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

Sec. 1301. Safe Havens for Children Pilot Program

Establishes through 2002 a pilot Justice Department grant program aimed at reducing the opportunity for domestic violence to occur during the transfer of children for visitation purposes by expanding the availability of supervised visitation and safe visitation exchange for the children of victims of domestic violence, child abuse, sexual assault, or stalking.

Authorization level is $15 million for each year.

Sec. 1302. Reauthorization of Victims of Child Abuse Act Grants

Extends through 2005 three grant programs geared to assist children who are victims of abuse. These are the court-appointed special advocate program, child abuse training for judicial personnel and practitioners, and grants for televised testimony of children.

Authorization levels are $12 million/year for the special advocate programs, $2.3 million/year for the judicial personnel training program, and $1 million/year for televised testimony. (FY 2000 appropriations were $10 million, $2.3 million, and $1 million respectively).

Sec. 1303. Report on Parental Kidnapping Laws

Requires the Attorney General to study and submit recommendations on federal and state child custody laws, including custody provisions in protection orders, the Parental Kidnapping Prevention Act of 1980, and the Uniform Child Custody Jurisdiction and Enforcement Act adopted by the National Conference of Commissioners on Uniform State Laws in July 1997, and the effect of those laws on child custody cases in which domestic violence is a factor. Amends emergency jurisdiction to cover domestic violence.

Authorization level is $200,000.

TITLE IV—STRENGTHENING EDUCATION & TRAINING TO COMBAT VIOLENCE AGAINST WOMEN

Sec. 1401. Rape Prevention and Education Program Reauthorization

Extends through 2005 this Sexual Assault Education and Prevention Grant program; includes education for college students; provides funding to continue the National Resource Center on Sexual Assault at the Centers for Disease Control and Prevention.

Authorization level is $80 million/year (FY 2000 appropriation was $45 million).

Sec. 1402. Education and Training to End Violence Against and Abuse of Women with Disabilities

Establishes a new Justice Department grant program through 2005 to educate and provide technical assistance to providers on effective ways to meet the needs of disabled women who are victims of domestic violence, sexual assault, and stalking.

Authorization level is $7.5 million/year.

Sec. 1403. Reauthorization of Community Initiatives to Prevent Domestic Violence

Reauthorizes through 2005 this grant program to fund collaborative community projects targeted for the intervention and prevention of domestic violence.

Authorization level is $6 million/year (FY 2000 appropriation was $6 million).

Sec. 1404. Development of Research Agenda Identified under the Violence Against Women Act.

Requires the Attorney General to direct the National Institute of Justice, in consultation with the Bureau of Justice Statistics and the National Academy of Sciences, through its National Research Council, to develop a plan to implement a research agenda based on the recommendations in the National Academy of Sciences report "Understanding Violence Against Women," which was produced under a grant awarded under the original Violence Against Women Act. Authorization is for such sums as may be necessary to carry out this section.

Sec. 1405. Standards, Practice, and Training for Sexual Assault Forensic Examinations

Requires the Attorney General to evaluate existing standards of training and practice for licensed health care professions performing sexual assault forensic examinations and develop a national recommended standard for training; to recommend sexual assault forensic examination training for all health care students; and to review existing protocols on sexual assault forensic examinations and, based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

Authorization level is $200,000 for FY 2001.

Sec. 1406. Education and Training for Judges and Court Personnel.

Amends the Equal Justice for Women in the Courts Act of 1994, authorizing $1,500,000 each year through 2005 for grants for education and training for judges and court personnel instate courts, and $500,000 each year through 2005 for grants for education and training for judges and court personnel in federal courts. Adds three areas of training eligible for grant use.

state child custody laws, incl
provisions in protection order
Kidnapping Prevention Act of
Uniform Child Custody Jurisd
forcement Act adopted by the
ference of Commissioners on
Laws in July 1997, and the
laws on child custody cases in
tic violence is a factor. Amen
jurisdiction to cover domestic
Authorization level is $200,00

TITLE IV—STRENGTHENING
TRAINING TO COMBAT VIOL
WOMEN

Sec. 1401. Rape Prevention and
gram Reauthorization

Extends through 2005 this
Education and Prevention G
includes education for college
vides funding to continue the
source Center on Sexual Assau
ters for Disease Control and Pr
Authorization level is $80 mi
2000 appropriation was $45 mill

Sec. 1402. Education and Traini
lence Against and Abuse
Disabilities

Establishes a new Justic
grant program through 2005 t
provide technical assistance t
effective ways to meet the ne
women who are victims of dom
sexual assault, and stalking.
Authorization level is $7.5 mi

Sec. 1403. Reauthorization of Co
tives to Prevent Domestic Vio

Reauthorizes through 2005 t
gram to fund collaborativ
projects targeted for the int
prevention of domestic violenc
Authorization level is $6 mi
2000 appropriation was $6 milli

Sec. 1404. Development of Re
Identified under the Vi
Women Act.

Requires the Attorney Ge
the National Institute of Ju
sultation with the Bureau of
tics and the National Acade
through its National Resear
develop a plan to implement a
da based on the recommendat
tional Academy of Sciences
standing Violence Against W
was produced under a grant
the original Violence Agains
Authorization is for such su
necessary to carry out this se

Sec. 1405. Standards, Practice,
Sexual Assault Forensic Ex

Requires the Attorney Gen
existing standards of trainin
for licensed health care p
forming sexual assault for
tions and develop a nationa
standard for training; to rec
assault forensic examination
health care students; and to
protocols on sexual assault
nations and, based on this re
recommended national proto
lish a mechanism for its nati
nation.
Authorization level is $200,

Sec. 1406. Education and Tra
and Court Personnel.

Amends the Equal Justice
the Courts Act of 1994, autho
each year through 2005 for
cation and training for judge
sonnel instate courts, and $5
through 2005 for grants for
training for judges and cou
federal courts. Adds three a
eligible for grant use.

tic Violence Task Force

Attorney General to establish
o coordinate research on do-
e and to report to Congress on
g or duplication of efforts
eral agencies that address do-
e.
n level is $500,000.

ATTERED IMMIGRANT WOMEN

and refines the protections for
grant women in the original
st Women Act. Eliminates a
atch-22" policies and unin-
ences of subsequent changes
law to ensure that domestic
migrant victims are brought
that the battered immigrants
t to help in the original Act
pe the abuse.

VI—MISCELLANEOUS

Requirements for Sexually Vio-
rs

Jacob Wetterling Crimes
en and Sexually Violent Of-
ation Act to require sex of-
y required to register in a
de notice, as required under
ch institution of higher edu-
State at which the person is
es on a vocation, or is a stu-
that state procedures ensure
ration information is prompt-
ble to law enforcement agen-
iction where the institutions
tion are located and that it is
ppropriate State records or
These changes take effect 2
tment.
Higher Education Act of 1965
tutions of higher education to
ent, in addition to other dis-
d under the Act, advising the
nity where law enforcement
tion provided by a State con-
ed sex offenders may be ob-
nge takes effect 2 years after

Family Educational Rights
t of 1974 to clarify that noth-
may be construed to prohibit
institution from disclosing
vided to the institution con-
ed sex offenders; requires the
ducation to take appropriate
educational institutions that
s information is permitted.

uicide Prevention Study

study by the Secretary of
man Services of predictors of
at-risk and other youth, and
event the youth from receiv-
to facilitate the development
ent programs and public edu-
eness efforts.
is for such sums as may be

e of Pain Control and Research

e calendar decade beginning
as the "Decade of Pain Con-
h."

BATTERED IMMIGRANT WOMEN
CT OF 2000—SECTION-BY-SEC-

igned to improve on efforts
1994 to prevent immigration
used by an abusive citizen or
t resident spouse as a tool
used immigrant spouse form
or living the abusive rela-
could happen because gen-
U.S. immigration law gives
ful permanent residents the
n for their spouses to be
ent resident visa, which is the necessary prerequisite for immigrating to the United States. In the vast majority of cases, granting the right to seek the visa to the citizen or lawful permanent resident spouse makes sense, since the purpose of family immigration visas is to allow U.S. citizens or lawful permanent residents to live here with their spouses and children. But in the unusual case of the abusive relationship, an abusive citizen or lawful permanent resident can use control over his or her spouse's visa as a means to blackmail and control the spouse. The abusive spouse would do this by withholding a promised visa petition and then threatening to turn the abused spouse in to the immigration authorities if the abused spouse sought to leave the abuser or report the abuse.

VAWA 1994 changed this by allowing immigrants who demonstrate that they have been battered or subjected to extreme cruelty by their U.S. citizen or lawful permanent resident spouses to file their own petitions for visas without the cooperation of their abusive spouse. VAWA 1994 also allowed abused spouses placed in removal proceedings to seek "cancellation of removal," a form of discretionary relief from removal available to individuals in unlawful immigration status with strong equities, after three years rather than the seven ordinarily required. Finally, VAWA 1994 granted similar rights to minor children abused by their citizen or lawful permanent resident parent, whose immigration status, like that of the abused spouse, would otherwise be dependent on the abusive parent. VAWA 2000 addresses residual immigration law obstacles standing in the path of battered immigrant spouses and children seeking to free themselves from abusive relationships that either had not come to the attention of the drafters of VAWA 1994 or have arisen since as a result of 1996 changes to immigration law.

Sec. 1501. Short Title.

Names this title the Battered Immigrant Women Protection Act of 2000.

Sec. 1502. Findings and Purposes

Lays out as the purpose of the title building on VAWA 1994's efforts to enable battered immigrant spouses and children to free themselves of abusive relationships and report abuse without fear of immigration law consequences controlled by their abusive citizen or lawful permanent resident spouse or parent.

Sec. 1503. Improved Access to Immigration Protections of the Violence Against Women Act of 1994 for Battered Immigrant Women.

Allows abused spouses and children who have already demonstrated to the INS that they have been the victims of battery or extreme cruelty by their spouse or parent to file their own petition for a lawful permanent resident visa without also having to show they will suffer "extreme hardship" if forced to leave the U.S., a showing that is not required if their citizen or lawful permanent resident spouse or parent files the visa petition on their behalf. Eliminates U.S. residency as a prerequisite for a spouse or child of a citizen or lawful permanent resident who has been battered in the U.S. or whose spouse is a member of the uniformed services or a U.S. government employee to file for his or her own visa, since there is no U.S. residency prerequisite for non-battered spouses' or children's visas. Retains current law's special requirement that abused spouses and children filing their own petitions (unlike spouses and children for whom their citizen or lawful permanent resident spouse or parent petitions) demonstrate good moral character, but modifies it to give the Attorney General authority to find good moral character despite certain otherwise disqualifying acts if those acts were connected to the abuse.

Allows a victim of battery or extreme cruelty who believed himself or herself to be a citizen's or lawful permanent resident's spouse and went through a marriage ceremony to file a visa petition as a battered spouse if the marriage was not valid solely on account of the citizen's or lawful permanent resident's bigamy. Allows a battered spouse whose citizen spouse died, whose spouse lost citizenship, whose spouse lost lawful permanent residency, or from whom the battered spouse was divorced to file a visa petition as an abused spouse within two years of the death, loss of citizenship or lawful permanent residency, or divorce, provided that the loss of citizenship, status or divorce was connected to the abuse suffered by the spouse. Allows a battered spouse to naturalize after three years residency as other spouses may do, but without requiring the battered spouse to live in marital union with the abusive spouse during that period.

Allows abused children or children of abused spouses whose petitions were filed when they were minors to maintain their petitions after they attain age 21, as their citizen or lawful permanent resident parent would be entitled to do on their behalf had the original petition been filed during the child's minority, treating the petition as filed on the date of the filing of the original petition for purposes of determining its priority date.

Sec. 1504. Improved Access to Cancellation of Removal and Suspension of Deportation under the Violence Against Women Act of 1994.

Clarifies that with respect to battered immigrants, IIRIRA's rule, enacted in 1996, that provides that with respect to any applicant for cancellation of removal, any absence that exceeds 90 days, or any series of absences that exceed 180 days, interrupts continuous physical presence, does not apply to any absence or portion of an absence connected to the abuse. Makes this change retroactive to date of enactment of IIRIRA. Directs Attorney General to parole children of battered immigrants granted cancellation until their adjustment of status application has been acted on, provided the battered immigrant exercises due diligence in filing such an application.

Sec. 1505. Offering Equal Access to Immigration Protections of the Violence Against Women Act of 1994 for All Qualified Battered Immigrant Self-Petitioners

Grants the Attorney General the authority to waive certain bars to admissibility or grounds of deportability with respect to battered spouses and children. New Attorney General waiver authority granted (1) for crimes of domestic violence or stalking where the spouse or child was not the primary perpetrator of violence in the relationship, the crime did not result in serious bodily injury, and there was a connection between the crime and the abuse suffered by the spouse or child; (2) for misrepresentations connected with seeking an immigration benefit in cases of extreme hardship to the alien (paralleling the AG's waiver authority for spouses and children petitioned for by their citizen or lawful permanent resident spouse or parent in cases of extreme hardship to the spouse or parent); (3) for crimes of moral turpitude not constituting aggravated felonies where the crime was connected to the abuse (similarly paralleling the AG's waiver authority for spouses and children petitioned for by their spouse or parents); (4) for health related grounds of inadmissibility (also paralleling the AG's waiver authority for spouses and children petitioned for by their spouse or parent); and

(5) for unlawful presence after a prior immigration violation, if there is a connection between the abuse and the alien's removal, departure, reentry, or attempted reentry. Clarifies that a battered immigrant's use of public benefits specifically made available to battered immigrants in PRWORA does not make the immigrant inadmissible on public charge ground.

Sec. 1506. Restoring Immigration Protections under the Violence Against Women Act of 1994

Establishes mechanism paralleling mechanism available to spouses and children petitioned for by their spouse or parent to enable VAWA-qualified battered spouse or child to obtain status as lawful permanent resident in the United States rather than having to go abroad to get a visa.

Addresses problem created in 1996 for battered immigrants' access to cancellation of removal by IIRIRA's new stop-time rule. That rule was aimed at individuals gaming the system to gain access to cancellation of removal. To prevent this, IIRIRA stopped the clock on accruing any time toward continuous physical presence at the time INS initiates removal proceedings against an individual. This section eliminates application of this rule to battered immigrant spouses and children, who, if they are sophisticated enough about immigration law and has sufficient freedom of movement to "game the system", presumably would have filed self-petitions, and more likely do not even know that INS has initiated proceedings against them because their abusive spouse or parent has withheld their mail. To implement this change, allows a battered immigrant spouse or child to file a motion to reopen removal proceedings within 1 year of the entry of an order of removal (which deadline may be waived in the Attorney General's discretion if the Attorney General finds extraordinary circumstances or extreme hardship to the alien's child) provided the alien files a complete application to be classified as VAWA-eligible at the time the alien files the reopening motion.

Sec. 1507. Remedying Problems with Implementation of the Immigration Provisions of the Violence Against Women Act of 1994

Clarifies that negative changes of immigration status of abuser or divorce after abused spouse and child file petition under VAWA have no effect on status of abused spouse or child. Reclassifies abused spouse or child as spouse or child of citizen if abuser becomes citizen notwithstanding divorce or termination of parental rights (so as not to ate incentive for abuse victim to delay ving abusive situation on account of po-tial future improved immigration status abuser). Clarifies that remarriage has no fect on pending VAWA immigration peti-on.

c. 1508. Technical Correction to Qualified Alien Definition for Battered Immigrants

Makes technical change of description of ittered aliens allowed to access certain iblic benefits so as to use correct pre-RIRA name for equitable relief from depor-tion/removal ("suspension of deportation" ither than "cancellation of removal") for re-IIRIRA cases.

ec. 1509. Access to Cuban Adjustment Act for Battered Immigrant Spouses and Children

Allows battered spouses and children to access special immigration benefits available under Cuban Adjustment Act to other spouses and children of Cubans on the basis of the same showing of battery or extreme cruelty they would have to make as VAWA self-petitioners; relatives them of Cuban Adjustment Act showing that they are residing with their spouse parent.

Sec. 1510. Access to the Nicaraguan Adjustment and Central American Relief Act for Battered Spouses and Children

Provides access to special immigration benefits under NACARA to battered spouses and children similarly to the way section 509 does with respect to Cuban Adjustment Act.

Sec. 1511. Access to the Haitian Refugee Fairness Act of 1998 for Battered Spouses and Children

Provides access to special immigration benefits under HRIFA to battered spouses and children similarly to the way section 509 does with respect to Cuban Adjustment Act.

Sec. 1512. Access to Services and Legal Representation for Battered Immigrants

Clarifies that Stop grants, Grants to Encourage Arrest, Rural VAWA grants, Civil Legal Assistance grants, and Campus grants can be used to provide assistance to battered immigrants. Allows local battered women's advocacy organizations, law enforcement or other eligible Stop grants applicants to apply for Stop funding to train INS officers and immigration judges as well as other law enforcement officers on the special needs of battered immigrants.

Sec. 1513. Protection for Certain Crime Victims Including Victims of Crimes Against Women

Creates new nonimmigrant visa for victims of certain serious crimes that tend to target vulnerable foreign individuals without immigration status if the victim has suffered substantial physical or mental abuse as a result of the crime, the victim has information about the crime, and a law enforcement official or a judge certifies that the victim has been helpful, is being helpful, or is likely to be helpful in investigating or prosecuting the crime. The crime must involve rape, torture, trafficking, incest, sexual assault, domestic violence, abusive sexual contact, prostitution, sexual exploitation, female genital mutilation, being held hostage, peonage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, blackmail, extortion, manslaughter, murder, felonious assault, witness tampering, obstruction of justice, perjury, attempt or conspiracy to commit any of the above, or other similar conduct in violation of Federal, State, or local criminal law. Caps visas at 10,000 per fiscal year. Allows Attorney General to adjust these individuals to lawful permanent resident status if the alien has been present for 3 years and the Attorney General determines this is justified on humanitarian grounds, to promote family unity, or is otherwise in the public interest.

Mr. HATCH. The sex trafficking conference report also contains legislation known as "Aimee's law." The purpose of Aimee's law is to encourage States to keep murderers, rapists, and child molesters incarcerated for long prison terms. Last year, a similar version of Aimee's law passed the Senate 81 to 17, and Aimee's law passed the House of Representatives 412 to 15.

This legislation withholds Federal funds from certain States that fail to incarcerate criminals convicted of murder, rape, and dangerous sexual offenses for adequate prison terms. Aimee's law operates as follows: In cases in which a State convicts a person of murder, rape, or a dangerous sexual offense, and that person has a prior conviction for any one of those offenses in a designated State, the designated State must pay, from Federal law enforcement assistance funds, the incarceration and prosecution cost of the other State. In such cases, the Attorney General would transfer the Federal law enforcement funds from the designated State to the subsequent State.

A State is a designated State and is subject to penalty under Aimee's law if (1) the average term of imprisonment imposed by the State on persons convicted of the offense for which that person was convicted is less than the average term of imprisonment imposed for that offense in all States; or (2) that person had served less than 85 percent of the prison term to which he was sentenced for the prior offense. In determining the latter factor, if the State has an indeterminate sentencing system, the lower range of the sentence shall be considered the prison term. For example, if a person is sentenced to 10-to-12 years in prison, then the calculation is whether the person served 85 percent of 10 years.

The purpose of Aimee's law is simple: to increase the term of imprisonment for murderers, rapists, and child molesters. In this respect, Aimee's law is similar to the Violent-Offender-and-Truth-in-Sentencing Program and the Sentencing Reform Act of 1984. Since 1995, the Truth-in-Sentencing Program has provided approximately $600 million per year to States for prison construction. In order to receive these funds, States had to adopt truth-in-sentencing laws that require violent criminals to serve at least 85 percent of their sentences. As a result of such sentencing reforms, the average time served by violent criminals in State prisons increased more than 12 percent since 1993. Similarly, the Sentencing Reform Act of 1984 created the Federal sentencing guidelines and increased sentences for Federal inmates. I am proud to have supported both of these initiatives to increase prison terms for violent and repeat offenders.

Some will say that Aimee's law violates the principles of federalism, and in many respects, I am sympathetic to these arguments. However, I would note that Aimee's law does not create any new Federal crimes, nor does it expand Federal jurisdiction into State and local matters. Instead, this law uses Federal law enforcement assistance funds to encourage States to incarcerate criminals convicted of murder, rape, and dangerous sexual offenses for adequate prison terms.

In conclusion, I would like to acknowledge the efforts of Senator SANTORUM. He has been a tireless champion of Aimee's law. Without his leadership, Aimee's law would not have been included in the sex trafficking conference report. The State of Pennsylvania should be proud to have such an able and energetic Senator.

My friend and colleague, the distinguished ranking member of the Judiciary Committee, has expressed frustration with certain legislative items being added to the sex trafficking conference report. I respect him for voicing his concerns. I too would have preferred to have each of the measures

re included in this sex traf-
conference report considered on
n. But we have witnessed. dur-
session of Congress, dilatory
ral maneuvering of the like I
ver witnessed before in the Sen-

l bills which have passed both
se and the Senate are being
with threats to filibuster the
tment of conferees. Motions to
to legislation are routinely ob-
to. As chairman of the Judiciary
ittee, I was not even given the
y of being told that there was a
ratic hold on my interstate alco-
l until after I sought to include
the sex trafficking conference re-
The public even witnessed the
cle of the minority joining with
majority to limit debate on, and
mendments to, the Hatch H–1B
d then turning around to repeat-
try to add non-relevant amend-
s to the bill in clear violation of
Senate rules.
ast so the record is clear, there has
—and continues to be—an effort on
part of the minority to tie the Sen-
up in procedural knots and then ac-
the majority of being unable to
vern. That is their right under the
les. I do not recall engaging in simi-
tactics when Republicans were in
minority but I am confident there
instances where one could accuse of
having engaged in similar dilatory tac-
tics. But, I believe we eventually
reached the point where our fidelity to
the institution and our oaths of office
transcended the short-term interests of
ballot box legislating.

The Senate has previously passed the interstate alcohol bill and the Aimee's law legislation by overwhelming votes. Ironically, the one piece of legislation included in this bill which my colleagues on the other side of the aisle do not object to having been added is the Violence Against Women Act. This legislation has not been considered by the Senate, although I am confident had it been, it would have passed overwhelmingly.

In short, no one respects the rules of the Senate more than me, In the end, I hope the minority will rethink its tired and belabored efforts to prevent the Senate from doing the public's work. Then we can adjourn and return to our respective states where the intervening adjournment can be spent with the real people of America—the workers, the teachers, and students—instead of the pollsters and spin doctors which seem to be of paramount attention to too many of my colleagues.

Mr. President, today I am pleased by the likely passage tonight of S. 577, the Twenty-First Amendment Enforcement Act. Originally introduced on March 10, 1999, this legislation provides a mechanism that will finally enable states to effectively enforce their laws prohibiting the illegal interstate shipment of beverage alcohol.

At the outset, I should note that S. 577 has enjoyed overwhelming support on both sides of the aisle and in both the Senate and the House of Representatives.

Originally passed by the Senate as an amendment by Senator BYRD to the Juvenile Justice bill, S. 254, on a lopsided vote of 80–17 on May 18, 1999, a revised version of S. 577 bill passed out of the Judiciary Committee on a 17–1 vote on March 2, 2000. As of the time of final passage, there were 23 cosponsors of the bill in the Senate—12 Republicans and 11 Democrats.

In the House, the companion legislation to S. 577, H.R. 2031, sponsored by my friend from Florida, Representative JOE SCARBOROUGH, passed the House initially by a vote of 310–112 on August 3, 1999. H.R. 2031 was backed by a coalition of 45 cosponsors in the House.

What is included in the conference report is the version of S. 577 as passed by the Judiciary Committee in March. It is important to note that the legislation, as revised with some amendments in the Committee to address both the Wine Institute's and the American Vintners Association's concerns, even got the support of Senators FEINSTEIN and SCHUMER, the two most vocal early opponents of the legislation. We worked hard with representatives of the wineries on language to further clarify that this bill does not, even unintentionally, somehow change the balancing test employed by the Courts in reviewing State liquor laws. We were able to reach agreement and incorporated those changes in the bill. The Wine Institute and the Vintners Association both have written us that they are no longer oppose the legislation.

Let me get to the substance of the legislation, the purpose behind it and the history of this issue—both legislative and constitutional. I think it is important to fully understand this history to appreciate this legislation.

The simple purpose of this bill is to provide a mechanism to enable States to effectively enforce their laws against the illegal interstate shipment of alcoholic beverages. Interstate shipments of alcohol directly to consumers have been increasing exponentially—and, while I certainly believe that interstate commerce should be encouraged, and while I do not want small businesses stifled by unnecessary or overly burdensome and complex regulations, I do not subscribe to the notion that purveyors of alcohol are free to avoid State laws which are consistent with the power bestowed upon them by the Constitution. Unfortunately, that is exactly want is happening, and that is what this legislation will address.

All States, including the State of Utah, need to be able to address the sale and shipment of liquor into their State consistent with the Constitution. As my colleagues know, the Twenty First Amendment ceded to the States the right to regulate the importation and transportation of alcoholic beverages across their borders. States need to protect their citizens from consumer fraud and have a claim to the tax revenue generated by the sale of such goods. And of the utmost importance, States need to ensure that minors are not provided with unfettered access to alcohol. Unfortunately, indiscriminate direct sales of alcohol circumvent this State right.

Let me emphasize that there are many companies engaged in the direct interstate shipment of alcohol who do not violate State laws. In fact, many of these concerns look beyond their own interests and make diligent efforts to disseminate information to others to ensure that State laws are understood and complied with by all within the interstate industry. This legislation only reaches those that violate the law.

Now, I would like to say a few words on the history of this issue. As many of my colleagues know, debate over the control of the distribution of beverage alcohol has been raging for as long as this country has existed. Prior to 1933, every time individuals or legislative bodies engaged in efforts to control the flow and consumption of alcohol, whether by moral persuasion, legislation or "Prohibition," others were equally determined to repeal, circumvent or ignore those barriers. The passage of state empowering federal legislation such as the Webb-Kenyon Act and the Wilson Act were not sufficient, in and of themselves, to provide states with the power they needed to control the distribution of alcohol in the face of commerce clause challenges. It took the passage of a constitutional amendment—and the re-enactment of the Webb-Kenyon Act in 1935—to give states the power they needed to control the importation of alcohol across their borders.

The Twenty-First Amendment was ratified in 1933. That amendment ceded to the States the right to regulate the importation and transportation of alcoholic beverages across their borders. By virtue of that grant of authority, each State created its own unique regulatory scheme to control the flow of alcohol. Some set up "State stores" to effectuate control of the shipment into, and dissemination of alcohol within, their State. Others refrained from direct control of the product, but set up other systems designed to monitor the shipments and ensure compliance with its laws. But whatever the type of State system enacted, the purpose was much the same: to protect its citizens and ensure that its laws were obeyed.

With passage of the "Twenty-First Amendment Enforcement Act," the States will be empowered to fight illegal sales of alcohol—let me emphasize illegal. This legislation is particularly well-timed in that it comes on the heels of a powerful opinion uphold state rights under the 21st Amendment in the case of Bridenbaugh v. Freeman-Wilson, by respected jurist Frank Easterbrook and the Seventh Circuit

Court of Appeals. In an opinion upholding a state's right to regulate the importation of alcohol and prohibit illegal sales, Judge Easterbrook cogently articulated the role of the 21st Amendment in the Constitutional framework:

. . . the twenty-first amendment did not return the Constitution to its pre-1919 form. Section 2 . . . closes the loophole left by the dormant commerce clause. . . . No longer may the dormant commerce clause be read to protect interstate shipments of liquor from regulation; sec. 2 speaks directly to these shipments . . . No decision of the Supreme Court holds or implies that laws limited to the importation of liquor are problematic under the dormant commerce clause.

Some who would seek to avoid state and federal laws have erroneously complained that S. 577 will allow states to enforce discriminatory state laws. These complaints are without merit. In actuality, failure to pass this bill would have had the effect of discriminating against in-state distributors by effectively giving out-of-state distributors de facto immunity from state regulation. Congress and the Constitution have recognized that States have a legitimate interest in being able to control the interstate distribution of alcohol on the same terms and conditions as they are able to control in-state distribution. As Judge Easterbrook pointed out:

Indeed, all "importation" involves shipments from another state or nation. Every use of sec. 2 could be called "discriminatory" in the sense that plaintiffs use that term, because every statute limiting importation leaves intrastate commerce unaffected. If that were the sort of discrimination that lies outside state power, then sec. 2 would be a dead letter. . . . Congress adopted the Webb-Kenyon Act, and later proposed sec. 2 of the twenty-first amendment, precisely to remedy this reverse discrimination and make alcohol from every source equally amenable to state regulation.

That is exactly what S. 577 accomplishes. It simply ensures that all businesses, both in-state and out-of-state, are held accountable to the same valid laws of the state of delivery.

It is important to note that the Webb-Kenyon Act already prohibited the interstate shipment of alcohol in violation of state law. Unfortunately, that general prohibition lacked an appropriate enforcement mechanism, thus thwarting the states' ability to enforce their laws—those same laws they enacted pursuant to valid Constitutional authority under the Twenty-First Amendment—in state court proceedings through jurisdictional roadblocks. The legislation passed today removes that impediment to state enforcement by simply providing the Attorney General of a State, who has reasonable cause to believe that his or her State laws regulating the importation and transportation of alcohol are being violated, with the ability to file an action in federal court for an injunction to stop those illegal shipments.

This bill is balanced to ensure due process and fairness to both the State bringing the action and the company or individual alleged to have violated the State's laws. The bill:

1. Assures defendants of due process by requiring that no injunctions may be granted without notice to the defendants or an opportunity to be heard;

2. Assures defendants of due process by requiring that no preliminary injunction may be issued without proving: (a) irreparable injury, and (b) a probability of success on the merits;

3. Clarifies that injunctive relief only may be obtained—no damages, attorneys fees or other costs—may be awarded;

4. Assures that cases brought are truly interstate/federal in character by clarifying that in-state licensees and other authorized in-state purveyors, readily amenable to state proceedings, may not be subjected to federal injunctive actions;

5. Allows actions only against those who have violated or are currently violating state laws regulating the importation or transportation of intoxicating;

6. Notes that evidence from an earlier hearing on a request for a preliminary injunction—but from no other state or federal proceedings, may be used in subsequent hearings seeking a permanent injunction—conserving court resources but protecting a defendant's right to confront the evidence against him;

7. Ensures that S. 577 may not be construed to interfere with or otherwise modify the Internet Tax Freedom Act;

8. Provides for venue where the violation actually occurs—in the state into which the alcohol is illegally shipped.

9. Protects innocent interactive computer services (ICS's) and electronic communications services (ECS's) from the threat of injunctive actions as a result of the use of those services by others to illegally sell alcohol;

10. Prohibits injunctive actions involving the advertising or marketing (but not the sale, transportation or importation) of alcohol where such advertising or marketing would be lawful in the jurisdiction from which the advertising originates;

11. Requires that laws sought to be enforced by the states under S. 577 be valid exercises of authority conferred upon the states by the 21st Amendment and the Webb-Kenyon Act.

Madam President, contrary to some of the erroneous claims of some in the narrow opposition, I want to reemphasize that S. 577 is intended to assist the states in the enforcement of constitutionally-valid state liquor laws by providing them with a federal court forum. We are not stopping Internet or for that matter, any, legal sales of alcohol. Indeed, there is no objection to this legislation by a host of companies who sell wine over the Internet, such as Vineyards. The sole remedy available under the bill is injunctive relief—that is, no damages, no civil fines, and no criminal penalties may be imposed solely as a result of this legislation.

We specifically included rules of construction language in subsection 2(e) stating that this legislation "shall be construed only to extend the jurisdiction of Federal courts in connection with State law that is a valid exercise of power invested in the States" under the Twenty-First Amendment as that Amendment has been interpreted by the U.S. Supreme Court "including interpretations in conjunction with other provisions of the Constitution." This bill is not to be construed as granting the States any additional power beyond that.

Consequently, the state power vested under the Twenty-First Amendment, as I have discussed above, is appropriately interpreted with and against other rights and privileges protected by the Constitution, as the Supreme Court does in every case. It should also be made clear that by enacting S. 577, we are not passing on the advisability or legal validity of the various state laws regulating alcoholic beverages, which continue to be litigated in the courts, and should appropriately be a matter for the courts to decide.

COLLOQUY ON 21ST AMENDMENT ENFORCEMENT ACT

Mrs. BOXER. Madam President, I have strong misgivings about one part of the conference report we are about to consider. The provisions relating to interstate sales of alcoholic beverages, known as the 21st Amendment Enforcement Act, would dramatically reduce the ability of small wineries in my state to market their products across the country.

These wineries are small, independent, often family-owned, operations. They are the "little guys" in the winemaking industry. They need to sell their products directly to consumers around the country, and the Internet, especially, holds great promise for their future economic success.

Already, some of them have been hurt by state laws banning interstate sales of wine. The Matanzas Greek Winery in Sonoma County estimates that it is turning away around $8,000 a month in direct sales from consumers who had visited the winery and hoped to place orders from their homes in other states.

I am very concerned that the 21st Amendment Enforcement Act will make it even more difficult for these "little guys" to compete in the wine business.

I would like to ask the distinguished chairman of the Judiciary Committee, Senator HATCH, whether he would consider the impact of this legislation on my small wineries. Would the senator be willing, after the legislation has been on the books for a year or so, the review its impact on small wineries and to work with me to make such amendments as are necessary to take care of them?

Mr. HATCH. Madam President, I would be happy to consider this issue after next year and examine the legislation's impact on small wineries. I respect my colleagues from California's commitment to their constituents. I

mphasize, however, that this on does nothing to hurt the so- mall wineries in competing or ng their products in the wine . I worked hard for over a year wine industry to ensure that lation does not have any unin- consequences, and want to reas- colleague from California that on of the legislation that is in- in the conference report incor- revisions made in the com- to address both the Wine Insti- nd the American Vintners Asso- 's concerns. We also included to further clarify that this s not, even unintentionally, change the balancing test ed by the courts in reviewing quor laws. I should also not that ine Institute and the Vintners tion, as well as numerous Inter- merce companies, have written they no longer oppose the legis-

imple purpose of this bill is to a mechanism to enable States ffectively enforce their laws t the illegal interstate shipment holic beverages. I hope the dis- hed Senator from California that while I certainly believe nterstate commerce should be en- ged, and while I do not want businesses stifled by unnecessary erly burdensome and complex reg- ons, I do not subscribe to the no- that purveyors of alcohol are free void State laws which are con- nt with the power bestowed upon by the Constitution—and I should that I don't think that Senator R subscribes to that notion either. t me emphasize that there are y companies engaged in the direct rstate shipment of alcohol who do violate State laws. In fact, many of e concerns look beyond their own rests and make diligent efforts to eminate information to others to re that State laws are understood complied with by all within the rstate industry. This legislation reaches those that violate the , and only allows the attorney gen- l of a state to go to Federal court to force its laws. It is just a jurisdic- nal legislation and does not allow or ohibit any sales or marketing by any nery, large or small.

Having said that, I do hear the con- rns by Senator BOXER and am willing consider the impact of this legisla- on after the law has been on the ooks for a year or so, as my colleague as asked. I look forward to working with her to insure that this legislation does not harm small wineries which comply with the law.

Mrs. BOXER. I thank the Senator for his interest and concern, and for his commitment to review the impact of the 21st Amendment Enforcement Act on small wineries in the future.

Mr. HATCH. Madam President, I yield the remainder of my time to the Senator from Pennsylvania.

AIMEE'S LAW

Mr. SANTORUM. Madam President, I rise in strong support of the Trafficking Victims Protection Act conference report, H.R. 3244, which in addition to seeking to end the trafficking of women and children into the international sex trade, slavery and force labor also includes major provisions reauthorizing the Violence Against Women Act, providing justice for victims of terrorism, and Aimee's law.

One of the most disturbing human rights violations of our time is trafficking of human beings, particularly that of women and children, for purposes of sexual exploitation and forced labor. Every year, the trafficking of human beings for the sex trade affects hundreds of thousands of women throughout the world. Women and children whose lives have been disrupted by economic collapse, civil wars, or fundamental changes in political geography have fallen prey to traffickers. According to the Department of State, approximately 1-2 million women and girls are trafficked annually around the world.

I commend Senator SAM BROWNBACK and Senator PAUL WELLSTONE for their bipartisan leadership on the International Trafficking of Women and Children Victim Protection Act. The bill specifically defines "trafficking" as the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport, purchase, sell, or harbor a person for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude or slavery-like conditions. Using this definition, the legislation establishes within the Department of State an Interagency Task Force to Monitor and Combat Trafficking. The Task Force would assist the Secretary of State in reporting to Congress the efforts of the United States government to fight trafficking and assist victims of this human rights abuse. In addition, the bill would amend the Immigration and Nationality Act to provide for a non-immigrant classification for trafficking victims in order to better assist the victims of this crime.

Senator ORRIN HATCH and Senator JOE BIDEN introduced S. 2787, the Violence Against Women Act. This bipartisan bill would reauthorize federal programs which have recently expired for another five years to prevent violence against women. It seeks to strengthen law enforcement to reduce these acts of violence, provide services to victims, strengthen education and training to combat violence against women and limit the effects of violence on children. I am an original cosponsor of this important legislation which has been endorsed by the National Association of Attorneys General, the National Governor's Association, and the American Medical Society. On September 26, the House of Representatives passed its version of the Violence Against Women Act, H.R. 1248, by a vote of 415 to 3. I am pleased that this important legislation is included in the Sex Trafficking conference report which passed the House of Representatives on October 6 by a 371–1 vote margin.

The reauthorization legislation also creates new initiatives including transitional housing for victims of violence, a pilot program aimed at protecting children during visits with parents accused of domestic violence, and protections for elderly, disabled, and immigrant women. The bill also would provide grants to reduce violent crimes against women on campus and extend the Violent Crime Reduction Trust Fund. It authorizes over $3 billion over five years for the grant programs. As a Member of the House of Representatives in the 103rd Congress, I supported H.R. 1133, the original Violence Against Women Act, offered by Representative Pat Schroeder of Colorado. Since FY1995, VAWA has been a major source of funding for programs to reduce rape, stalking, and domestic violence. I am also very pleased that my own legislation to strengthen incentives for violent criminals, including rapists and child molesters, to remain in prison and hold states accountable is included in the conference report.

Aimee's law was prompted by the tragic death of a college senior Aimee Willard who was from Brookhaven, Pennsylvania near Philadelphia. Arthur Bomar, a convicted murderer was early paroled from a Nevada prison. Even after he had assaulted a woman in prison, Nevada released him early. Bomar traveled to Pennsylvania where he found Aimee. He kidnapped, brutally raped, and murdered Aimee. He was prosecuted a second time for murder for this heinous crime in Delaware County, PA. Aimee's mother, Gail Willard, has become a tireless advocate for victims' rights and serves as an inspiration to me and countless others.

This important legislation would use federal crime fighting funds to create an incentive for states to adopt stricter sentencing and truth-in-sentencing laws by holding states financially accountable for the tragic consequences of an early release which results in a violent crime being perpetrated on the citizens of another state. Specifically, Aimee's law will redirect enough federal crime fighting dollars from a state that has released early a murderer, rapist, or child molester to pay the prosecutorial and incarceration costs incurred by a state which has had to reconvict this released felon for a similar heinous crime. More than 14,000 murders, rapes, and sexual assaults on children are committed each year by felons who have been released after serving a sentence for one of those very same crimes. Convicted murderers, rapists, and child molesters who are released from prisons and cross state lines are responsible for sexual assaults on more than 1,200 people annually, including 935 children.

Recidivism rates for sexual predators are the highest of any category of violent crime. Despite this, the average time served for rape is only five and one half years, and the average time served for sexual assault is under four years. Also troubling is the fact that thirteen percent of convicted rapists receive no jail time at all. We have more than 130,000 convicted sex offenders right now living in our communities because of the leniency of these systems. The average time served for homicide is just eight years. Under Aimee's law, federal crime fighting funds are used to create an incentive for states to adopt stricter sentencing and truth-in-sentencing laws.

This legislation is endorsed by Gail Willard, Aimee's mother, Marc Klass, Fred Goldman, and numerous organizations such the National Fraternal Order of Police, the National Rifle Association, and the Law Enforcement Alliance of America. 39 victims' rights organizations also support Aimee's law including Justice For All, the National Association of Crime Victims' Rights, the Women's Coalition, and Kids Safe. These groups consider Aimee's law one of their highest priority bills. It sends a message that if a state has very lenient sentencing it impacts other states and crime victims in those states as well.

I first offered Aimee's law as an amendment to the juvenile justice bill on May 19, 1999, which passed the Senate by a 81–17 vote margin. Congressman MATT SALMON also offered the legislation as an amendment in the House of Representatives on June 16, 1999, which passed by a 412–15 vote. Due to a lack of progress on the conference report it became necessary to move the legislation separately. On May 11, I joined Aimee's mother Gail at a hearing of the U.S. House Subcommittee on Crime, to urge the House to approve legislation separately to keep sexual predators behind bars. The House of Representatives subsequently passed the legislation again by a unanimous voice vote.

Aimee's law is an appropriate way to protect the citizens of one state from inappropriate early releases of another state. One of the forty plus national organizations supporting Aimee's law, the National Fraternal Order of Police, said the following.

One of the most frustrating aspects of law enforcement is seeing the guilty go free and, once free, commit another heinous crime. Lives can be saved and tragedies averted if we have the will to keep these predators locked up. Aimee's Law addresses this issue smartly, with Federalizing crimes and without infringing on the State and local responsibilities of local law enforcement by providing accountability and responsibility to States who release their murders, rapists, and child molesters to prey again on the innocent.

We have made several modest changes to address implementation concerns by the states in the effort to achieve the best protection possible for our citizens. These include (1) Definitions: utilizing the definitions for murder and rape of part I of the Uniform Crime Reports of the FBI and for dangerous sexual offenses utilizing the definitions of chapter 109A of title 18- to provide for uniform comparisons across the states; (2) Sentencing Comparisons: Eliminating the additional 10 percent requirement and utilizing a national average for sentencing only as a benchmark; (3) Study: Also building into the process a study evaluating the implementation and effect of Aimee's Law in 2006; (4) Source of Funds: Provides states the flexibility to choose the source of federal law enforcement assistance funds (except for crime victim assistance funds); (5) Implementation: Delays the implementation of Aimee's Law to January 1, 2002 to allow states the opportunity to make any modifications that they would choose to do; and (6) Indeterminate Sentencing States: Safe harbor for states with sentencing ranges allows for the use of the lower number in the calculation (e.g. if sentencing guideline is 10–15 years, 10 years will be utilized.)

We are sending a clear message with Aimee's law. We want tougher sentences and we want truth in sentencing. A child molester who receives four years in prison, when you consider the recidivism rate, is an abomination. Murders, rapists, and child molesters do not deserve early release; our citizens deserve to be protected. In this legislation we are protecting one state's citizens from the complacency of another state, and appropriate role for the federal government. I want to thank my colleagues for their support and urge the passage of this legislation.

Madam President, I ask unanimous consent that the statement of Gail Willard be printed in the RECORD, along with the list of endorsements.

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

TESTIMONY OF GAIL WILLARD BEFORE THE CRIME SUBCOMMITTEE

It has been one thousand four hundred twenty one days since Aimee's murder. This nightmare began on June 20, 1996. At 4:45 AM, I was awakened by a phone call—something every parent dreads and hopes will never happen to them. I was told that the police had found my car on the ramp of a major highway. The car engine was running; the driver's side door was open; the headlights were on; the radio was playing loudly; and there was blood in front of and next to the car. Who was the driver? Where was the driver? That night, my beautiful twenty-two year old daughter, Aimee, had my car. She had gone to a reunion with high school friends, and now she was missing. Late that afternoon Aimee's body was found in a trash-strewn lot in the "badlands" of North Philadelphia. She had been raped and beaten to death.

Aimee was a wonder, a delight, a brilliant light in my life. With dancing blue eyes and a bright, beautiful smile, she drew everyone who knew her into the web of her life. She would light up a room just by walking into it. She could run like the wind, and she enjoyed the game—every game. She had friends and talents and dreams for a spectacular future, so it seemed only natural and right to believe that she would live well into old age. Never one to complain when things didn't go her way, Aimee always worked and played to the best of her ability, happy with her successes, taking her failure in stride. Aimee lived and loved well. She never harmed anyone; in fact, Aimee rarely ever spoke ill of anyone. She was almost too good to be true. On June 20, 1996, at age twenty-two years and twelve days, Aimee was robbed of her life, and our family was robbed of the joy and love and innocent simplicity that were Aimee's special gift to us. We will never be the same. There is an ache deep within each one of us—and ache that cries out, "Why God? Why?"

"Just Do It" was Aimee's motto. She never worried about what she could not do well; she put her energy into doing what she could do well. In athletics, Aimee took her God-given talents and worked them to perfection. For college Aimee accepted a scholarship to play soccer for George Mason University in Fairfax, Virginia. In her sophomore year, she joined the lacrosse team. A two sport Division 1 athlete, Aimee was on her way to becoming a legend at George Mason University. In the spring of 1996, the spring before she was murdered, Aimee led her lacrosse conference, scoring fifty goals with twenty-nine assists. In fact, 1995–96 was a banner year for Aimee. She was named to the Colonial Athletic Association All-Conference Team in both soccer and lacrosse, and to the All-American team for the Southeast region in lacrosse.

Aimee's athletic success is only part of her glory. Her friends describe her as a quiet presence, a fun-loving kid, a good listener, a loyal friend. They used words like shy, modest, kind, strong, focused, intense, caring, sharing and loving when they speak about Aimee. They tell of Aimee's magic with people. So that you will understand the impact her murder had on them, I want to share an excerpt from a letter one of her friends wrote to me.

"For the past few weeks my heart has been breaking for all of us in our devastating loss, but more recently I think my heart has been hurting a bit more for those who will never get the chance to know the woman who played two Division 1 sports, making the all-conference teams in both, and All-American in one. They will never meet the girl who was always being named 'Athlete of the Week' and had no idea that she was half the time. These people will never get the chance to argue with her over things like Nike vs. Adidas, Bubblicious vs. Bubble Yum, Coke vs. Cherry Coke, or whether certain professional athletes were over-rated. I am one of the fortunate ones. I have volumes of Aimee's memories. I know the beauty of those big blue eyes under a low brim of a Nike hat. I know the carefree serenity that gave birth to the goofy laugh. I witnessed her grace with grit, her passion with patience, her pride without arrogance, her speed without exhaustion, and her sweat that was enough to start an ocean. If I was given the opportunity to trade in all my present pain in exchange for never being able to say, 'Aimee was my teammate; Aimee was my friend,' I'd stick with the pain. The memory of her is so wonderful."

It is impossible to adequately describe the impact of Aimee's murder on the countless people who knew her and loved her. We are all trying to survive the pain and emptiness of this great loss. How often I turn to tell Aimee something silly or dumb when I'm watching one of our favorite television shows, or a basketball or football game, but she isn't there. I'm out shopping and I say, "Aimee would look great in that outfit. I'll buy if for her." But Aimee will never wear a

new outfit again. I will never have the joy of holding Aimee in my arms again, or of seeing her sparkling blue eyes, freckled nose and bright smile. I will never know the children Aimee dreamed of having, or the children Aimee dreamed of coaching.

I do have wonderful memories of Aimee. Her life was wrapped in my love, and mine was wrapped in her love. Because of evil incarnate in Arthur Bomar, I now also have horrible nightmares of the fear, the absolute terror, Aimee must have known, and of the dreadful pain she was forced to endure. I who had been with Aimee in every facet of her life, every event big and small, was not there to protect her from the fear and the pain. I never had the chance to say good-bye. This despicable individual had condemned me, my other two children, the rest of our family and all of Aimee's friends who live with an ache deep in our hearts. The void can never be filled. The pain of the loss of Aimee is forever.

Aimee's life was ended on June 20, 1996, a night of total madness. She was kidnaped from her own car, raped, and then beaten to death—beaten so badly around the head and face that she was identified by the Nike swoosh tattoo on her ankle—beaten so badly that she had an empty heart when she was found. Every pint of blood had spilled from her body. The person who did this to Aimee is a convicted felon who was on parole.

Arthur Bomar was released from Nevada's prison system after serving only twelve years of a life sentence for murdering a man. While he was awaiting trial for the murder charge, he shot a woman. While he was in prison serving time for both these crimes, he assaulted a woman who was visiting him there. Despite all these violent crimes, and sentences even beyond the life sentence, Nevada released him after only twelve years. Did they think he was reformed? All they had to do was read his record to know that he wasn't. A reformed, contrite prisoner sentenced to life doesn't beat up a woman visitor. But he was released by Nevada, and he came to Pennsylvania and murdered my Aimee.

On October 1, 1998, Arthur Bomar was convicted of first degree murder, kidnaping, rape and abuse of a corpse. After the jury announced their decision for the death penalty, the reformed felon from Nevada raised his head with his middle finger extended and stated, "F - - - you, Mrs. Willard, her brother and her sister."

This kidnapper, rapist and murderer should never have been on the street in June 1996. And Aimee Willard should be teaching and coaching, living and loving, spreading her joy among us. But she isn't. Her legacy will live on, however, in scholarship funds, aid to those in need, and a beautiful memorial garden on that lot in the "bad part" of North Philadelphia. Her legacy will live on because of Aimee's Law, the "No Second Chances" law proposed by Matt Salmon of Arizona and co-sponsored by Curt Weldon from Pennsylvania and many other Congressmen and Senators.

Our entire justice system, as I see it, cries out for reform. Our system lacks real truth in sentencing. Life in prison does not mean that murderers are returned to the streets to murder again. Willful murderers do not deserve a second chance. If "Aimee's Law" is passed in 2000, the States will have strong incentive to reform their parole systems and keep predators in prison actually for life. Otherwise, they will risk a reduction of federal funds if their paroled murderers cross state lines and commit another violent crime.

I am asking you, the members of the Subcommittee on Crime, to support the passage of "Aimee's Law" if you want to stop the nightmare or convicted murderers continuing to murder. If this law is passed, our streets will be a little safer, some families will be spared the heartache we have suffered, and Aimee Willard's name, not the name of her killer, will be remembered forever. Please remember that Aimee has no second chance at life.

Thank you.

AIMEE'S LAW

Protects Americans from convicted murders, rapists, and child molesters by requiring states to pay the costs of prosecution and incarceration for a previously convicted criminal who travels to another state and commits a similar violent crime. The payment would come from federal law enforcement assistance funds chosen by the state. The legislation is designed to keep violent criminals with high recidivism rates in prison for most of their sentences consistent with the principles of truth in sentencing. The federal government needs to be involved to protect the citizens of one state from inappropriate early releases of another state such as occurred with Aimee Willard from the Philadelphia area, a college senior, who was kidnapped and brutally raped and murdered by a man who was released early from prison in Nevada. Passed the Senate last year 81–17; passed the House of Representative 412–15.

PARTIAL LIST OF ENDORSEMENTS

The National Fraternal Order of Police, Washington, DC.

Law Enforcement Alliance of America, Falls Church, Virginia.

KlaasKids Foundation, Sausalito, California.

Childhelp USA, Scottsdale, Arizona.

Kids Safe, Granada Hills, California.

Concerned Women for America, Washington, PC.

California Correctional Peace Officers Association (CCPOA), Sacramento, California.

National Rifle Association (N.R.A.), Falls Church, Virginia.

Doris Tate Crime Victims Bureau, Sacramento, California.

Mothers Outraged at Molesters Organization (M.O.M.s), Independence, Missouri.

Southern States Police Benevolent Association, Virginia.

Garland, Texas Police Department, Garland, Texas.

Action Americans—Murder Must End Now (A.A.M.M.E.N.), Marietta, Georgia.

Arizona Professional Police Officers, Association, Phoenix, Arizona.

Arizona Voice for Crime Victims, Phoenix, Arizona.

Association of Highway Patrolmen of Arizona, Tucson, Arizona.

California Protective Parents Association, Sacramento, California.

Christy Ann Fornoff Foundation, Mesa, Arizona.

Citizens and Victims for Justice Reform, Louisville, Kentucky.

Concerns of Police Survivors (C.O.P.S.), Missouri.

International Children's Rights Resource Center, Washington.

Justice for All, New York, New York.

Justice for Murder Victims, San Francisco, California.

Kids In Danger of Sexploitation (K.I.D.S.), Orlando, Florida.

McDowell County Sheriff's Department, Marion, North Carolina.

Memory of Victims Everywhere (M.O.V.E.), San Juan Capistrano, California.

National Association of Crime Victims' Rights, Portland, Oregon.

New Mexico Survivors of Homicide, Inc., Albuquerque, New Mexico.

Parents Legal Exchange Alliance, San Francisco, California.

Parents of Murdered Children, Cincinnati, Ohio.

Parole Watch, New York, New York.

Phoenix Law Enforcement Association, Phoenix, Arizona.

Protect Our Children, Cocoa, Florida.

Security On Campus, Inc., King of Prussia, Pennsylvania.

Speak Out for Stephanie (S.O.S.), Overland Park, Kansas.

Survivor Connections, Inc., Cranston, Rhode Island.

Survivors and Victims Empowered (S.A.V.E.), Lancaster, Pennsylvania.

Survivors of Homicide, Inc., Albuquerque, New Mexico.

Victims of Crime and Leniency (V.O.C.A.L.), Montgomery, Alabama.

The Women's Coalition, Pasadena, California.

ENDORSEMENTS FROM INDIVIDUALS: (*INTERSTATE CASES)

Ms. Gail Willard (PA; mother of Aimee Willard, a college student raped and murdered by a released killer*)

Ms. Mary Vincent (WA; survivor of rape/attempted murder in CA; her attacker, released from prison, later killed a mother of three in Florida*)

Mr. Fred Goldman (CA; father of Ron Goldman, who was killed in CA along with Nicole Simpson)

Mr. Marc Klass (CA; father of Polly, who was molested and murdered in Nevada by a released sex offender)

Ms. Dianne Bauer (AK; daughter of Dr. Lester Bauer, who was murdered in Nevada by a released murderer*)

Ms. Jeremy Brown (NY; survivor of rape; her attacker had served time for murder*)

Ms. Trina Easterling (LA; mother of Lorin, an 11 year-old girl abducted, raped, and murdered, allegedly by Ralph Stogner, who had served time for raping a pregnant woman*)

Mr. Louis Gonzalez (NJ; brother of Ippolito "Lee" Gonzalez, a policeman murdered by a released killer*)

Ms. Dianne Marzan (TX; mother of daughters molested by an HIV-positive, released sex offender*)

The Pruckmayr family (PA; parents of Bettina, brutally stabbed 38 times in our nation's Capital by a paroled murderer)

Ms. Beckie Walker (TX; wife of TX Police Officer Gerald Walker, who was murdered by a released double-killer*)

Mr. Ray Wilson (CO; father of Brooklyn Ricks, who was raped and murdered by a released rapist*)

Mr. SANTORUM. In conclusion, Madam President, I thank Senator BROWNBACK for his great work and perseverance in bringing this crime-fighting package to the Senate to pass it and turn it into law quickly. Aimee's law was debated and considered here in the Senate during this session of Congress. It passed 81–17. It has passed the House with over 400 votes. It is a provision that has very broad support. It is one of the No. 1 legislative provisions that the victims rights organizations in America would like to see done.

This is a piece of legislation that targets three types of offenders—murderers, rapists, and sex offenders, child molesters in particular. What this does is focus on those three because, obviously, they are three of the most heinous crimes on the books, but they are also crimes that have the highest incidence of repeat offenders, particularly the sexual crimes.

Aimee's law is given that name for Aimee Willard. She was a college student outside of Philadelphia who was

raped and murdered by Arthur Bomar. Arthur Bomar was released from a Nevada prison after serving only a small fraction of his sentence for a similar crime. He was released, and within a few months he found his way to Philadelphia, where Aimee was out one evening. She was attacked, raped, and murdered. It was a case that sent shockwaves through southeastern Pennsylvania and the whole Delaware Valley. Aimee's mother, Gail, has been on a crusade since then to do something to make sure convicted rapists and murderers and other sex offenders serve their full sentences.

If you look at the sentences that are meted out for these crimes, it is somewhat chilling to realize that if you look at the sentences that are served for murder, for example, the average sentence for murder is 8 years. The average sentence for rape is 5½ years. This is the actual time they serve, and the actual time served for a sex or child molestation offense is 4 years.

We believe that you have a high incidence of recidivism in these crimes, and people need to serve longer sentences so they are not a threat to our communities. In fact, more than 14,000 murders, rapes, and sexual assaults on children are committed each year by felons who had been released after serving a sentence on one of those very same crimes. So 14,000 of these crimes are committed by people who have committed these crimes in the past, who were let go to commit a crime again.

What we believe and what we have suggested is, frankly, very modest. It is modest in the sense that it is, I argue, even for those 81 Senators who voted for this legislation the last time around—and some expressed concern that this was going to be too tough on the States—not as tough as it was before. We have changed it in ways that have made it a little less onerous on States to have to keep up with these provisions. We tightened the definitions more. We created flexibility for the States for them to choose which funds they would use.

This is basically what this proposal does. It says if you release someone from prison who has not served 85 percent of their sentence, or has served a sentence below the national average for the crimes that we enumerate, and that person goes out and commits a crime in another State, then the State in which the person has committed the second crime—the released felon commits a second crime—then it has a right to go to the original State who let this person out early and seek compensation for all the costs associated with the prosecution, conviction, and incarceration of that criminal.

That hardly seems like the overbearing Federal Government dictating to States how to run their criminal justice system. These are Federal funds. States can choose which Federal funds they can allocate for this purpose. But what it says is we need to get tougher in having tougher sentences and making sure that those sentences, when given, are served.

I don't believe that is too much to ask for this Congress, and I very strongly urge my colleagues to support this measure, and recognize that if this measure is not supported this bill will be dead and will have to start over again in the House of Representatives.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I yield myself 3 minutes. I want to recognize the leadership of my colleague from Pennsylvania, Senator SANTORUM, in this provision. This is something he fought for to put in this overall package, to keep in this overall package, and it was something when we started down this road, frankly, I was saying I want a little, clean, simple bill to deal with sex trafficking. And several Members on the House side, and Senator SANTORUM on this side, fought to put this in.

The more I studied this, the consistency of the flow was there with this. This is dealing with trying to protect people who have been subject to domestic crimes, domestic violence, to protect people who have been subject to trafficking and protect people who have been subject to, frankly, early release and high recidivism offenders in other States, such as what happened, unfortunately, in his State in the case of Aimee Willard.

I applaud my colleague's work. I note one other thing. Other colleagues look at this and raise questions about does this really fit within the overall package, and one can make their decision one way or the other. But the point is, if this is pulled out, the bill has to go back to the House. We don't have time, so it effectively kills the bill. The House has already voted 371–1 for this package. It is a package and if this gets pulled out, it has to go back to the House. The House is going out on Friday for a funeral of one of its Members. Tomorrow, it has its calendar set up. It kills the bill, so everything else gets killed as well, regardless of what the arguments are. I plead with colleagues and say let's look at this and go ahead and support the entire package and not support the motion to strike the Aimee's law provision.

Mr. BROWNBACK. Thank you, Madam President.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. Madam President, 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. BROWNBACK. 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. BROWNBACK. Madam President, off whose time is the quorum call charged?

The PRESIDING OFFICER. It is the understanding of the Chair that, under the previous order, all quorum calls are being charged today to both sides equally.

Mr. BROWNBACK. I note for the record, as we put it in, it was charged against all sides equally because there are four people who have separate allotted time. It should be allocated equally to all of those.

The PRESIDING OFFICER. The Senator's understanding is correct. It will be so allocated.

Mr. BROWNBACK. Madam President, I note that we are planning on a vote at 4:30. Senator THOMPSON has the time reserved from 3:30 to 4:30. I note for my colleagues that if anybody wishes to speak on this particular bill, Senator THOMPSON has an entire hour reserved. Under the unanimous consent order, we immediately go to both votes—the vote on the appeal of the ruling of the Chair for Senator THOMPSON, and immediately we will go to a vote on final passage of the conference report.

If anybody seeks to speak on this bill, they should do so at the present time because otherwise it will be allocated to Senator THOMPSON.

I will use a couple of minutes of my time at this point. I note that within the bill there is the Justice for Victims of Terrorism Act that has been spoken of by Senator LAUTENBERG and Senator MACK, which seeks justice for victims of terrorism that is taking place. That is in the bill. I think it is an important part of the legislation. I hope we will have some discussion taking place on that as well.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, parliamentary inquiry: How much time, if any, is under the control of the Senator from Delaware?

The PRESIDING OFFICER. Seven minutes 48 seconds.

Mr. BIDEN. I ask the ranking member whether or not he is willing to yield additional time if I need it?

Mr. LEAHY. How much time do I have?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. LEAHY. I yield the 6 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, what a difference a year makes. Last year, I came to the floor and indicated I thought in light of the resistance taking place regarding the Violence Against Women Act and its reauthorization and the Violence Against Women II Act, it would be a tough fight to renew and strengthen the Violence Against Women Act. Thanks to

and support of a number of
nd out of this Senate—from
general in the various
police, to victims advocates,
nurses. Governors, women's
am proud to say we finally
t a point where the Violence
omen Act 2000 is on the verge
the Senate as part of the sex
conference report.

particularly my good friend
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supporter I have had. Along
wife, who is incredible, she has
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cate for the Violence Against
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lize people watching this on C-
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ing to add the Violence Against
n Act to that legislation. We ul-
ely did.

is the first time in the 28 years I
been in the Senate that I have
to a conference and added a major
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discussing. And it is worthy legis-
n. I am a cosponsor. I can think of
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o say that, being the author of this
lation—I can think of nothing of
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sure my friend from Minnesota
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inst women.

thank Senator HATCH for working
hard with me to pass this legisla-
n. This legislation was not a very
pular idea on the other side of the
le 8 years ago when we wrote this,
d 6 years ago when we got close to
sing it, and 5 years ago when we
sed it. Senator HATCH stood up and
d the way on the Republican side.
And I thank my Republican colleagues,
about 25 of whom—maybe more now—
cosponsored it. I attribute that to Sen-
ator HATCH's leadership, and I thank
him for that.

This legislation is very important. I
will try as briefly as I can to state why
it is important.

First of all, it reauthorizes the Violence Against Women Act of 1994, referred to as landmark legislation. I believe it is landmark legislation. It is the beginning of the end of the attitude in America that a woman is the possession of a man, that a woman is, in fact, subject to a man's control even if that requires "physical force." This clearly states, and we stated it for the first time on record in 1994, that no man has a right under any circumstance other than self-defense to raise his hand to or to use any physical force against a woman for any reason at all other than self-defense.

One might think: Big deal; we all knew that. No, we didn't all know that. It has begun to shape societal attitudes. What has happened is that we have seen a decline of 21 percent in the violent acts committed by significant others against their spouses and/or girlfriends and/or mate. That is a big deal. What happens if we don't pass this today? The Violence Against Women Act goes out of existence. It is no longer authorized. So this is a big deal, a big, big deal.

No. 2, I promised when I wrote this legislation in 1994 that, after seeing it in operation, I would not be wedded to its continuation if it wasn't working, and that I would propose, along with others, things that would enhance the legislation. That is, places where there were deficiencies we would change the law and places where the law in place was useless or counterproductive, we would eliminate that provision of the law. We have kept that promise.

This legislation does a number of things. It makes improvements in what we call full faith and credit of enforcement orders. Simply stated, that means if a woman in the State of Maryland goes to court and says, "This man is harassing me," or "He has beaten me," or "He has hurt me," and the court says that man must stay away from that woman and cannot get within a quarter mile—or whatever the restriction is—and if he does, he will go to jail, that is a protection order, a stay away order.

What happens in many cases when that woman crosses the line into the State of Delaware or into the State of Pennsylvania or into the District of Columbia and that man follows her, the court in that district does not enforce the stay away order from the other State for a number of reasons: One, they don't have computers that they can access and find out whether there is such an order; two, they are blase about it; or three, they will not give full faith and credit to it.

This creates a development and enhancement of data collection and sharing system to promote tracking and enforcement of these orders. Big deal.

Second, transition housing. This is a change. We have found that we have provided housing for thousands and thousands and thousands of women who have gotten themselves into a dilemma where they are victimized but have no place to go. So we, all of us in the Congress, have provided moneys for building credible and decent and clean shelters, homes for women where they can bring their children.

I might note parenthetically the majority of children who are homeless, on the street, are there because their mothers are the victim of abuse and have no place to go. So they end up on the street. We are rectifying that.

We found out there is a problem. There is a problem because there are more people trying to get into this emergency housing and there is no place for some of these women to go between the emergency housing—and they can't go back to their homes—and having decent housing. So we provide for a transition, some money for transition housing. In the interest of time, I will not go into detail about it.

Third, we change what we call incorporating dating violence into the purposes that this act covers, where there is a pro-arrest policy, where there are child abuse enforcement grants, et cetera. The way the law was written the first time, an unintended consequence of what I did when I wrote the law is, a woman ended up having to have an extended relationship with the man who was victimizing her in order to qualify for these services. That is an oversimplification, but that is the essence. If a woman was a victim of date rape, the first or second time she went out with a man of whom she was a victim, she did not qualify under the law for those purposes. Now that person would qualify.

We also provide legal assistance for victims of domestic violence and sexual harassment. We set aside some of the money in the Violence Against Women Act, hopefully through the trust fund which, hopefully, the Presiding Officer will insist on being part of this. We provide for women getting help through that system. We provide for safe havens for children, pilot programs.

As my friend from Minnesota knows, most of the time when a woman gets shot or killed in a domestic exchange, it is when she is literally dropping off a child at the end of the weekend. That is when the violence occurs. So we provide the ability for the child to be dropped off in a safe place, under supervised care—the father leaves, and then the mother comes and picks the child up and regains custody—because we find simple, little things make big, giant differences in safety for women. This also provides pilot programs relating to visitation and exchange.

We put in protective orders for the protection of disabled women from domestic violence. Also, the role of the court in combating violence against women engages State courts in fighting violence by setting aside funds in one of the grant programs.

And we provided a domestic violence task force. We also provide standards, practices, and training for sexual forensic examinations which we have

been doing in my State, and other States have done, but nationwide they are not being done. So much loss of potential evidence is found when the woman comes back into court because they did not collect the necessary evidence at the time the abuse took place.

Also, maybe the single most important provision we add to the Violence Against Women Act is the battered immigrant women provision. This strengthens and refines the protections for battered immigrant women in the original act and eliminates the unintended consequence of subsequent charges in immigration law to ensure that abused women living in the United States with immigrant victims are brought to justice and the battered immigrants also escape abuse without being subject to other penalties.

There is much more to say.

We have worked hard together over the past year to produce a strong, bipartisan bill that has gained the overwhelming support of the Senate—with a total of 74 cosponsors. All of my Democratic colleagues are cosponsors, along with 28 of my Republican friends.

Passage of this bill today would not have been possible without the effort and commitment of the chairman of the Judiciary Committee, my friend ORRIN HATCH, who has dedicated years to addressing the scourge of violence against women.

I also want to take this opportunity to thank our committee's ranking member, Senator LEAHY, for his constant support of my efforts to bring this bill to a vote, and my friends in the House, Representatives JOHN CONYERS, ranking member of the House Judiciary Committee, and CONNIE MORELLA, for their leadership on this important legislation.

The need for this law is as clear today as it was more than a decade ago when I first focused on the problem of domestic violence and sexual assault.

Consider this: In my state of Delaware, I regret to report that more than 30 women and children have been killed in domestic violence-related homicides in the past three years.

No area or income-bracket has escaped this violence. To stop domestic violence beatings from escalating into violent deaths, more than one thousand police officers throughout Delaware—in large cities and small, rural towns alike—have received specialized training to deal with such cases.

Every State in this country now has similar police training, and the Violence Against Women Act is providing the necessary funding.

To ensure these officers collect evidence that will stand up in court, they are being armed with state-of-the-art instant cameras and video cameras.

The Violence Against Women Act is providing the necessary funding for these cameras—nationwide.

The National Domestic Violence Hotline handles 13,000 calls from victims per month and has fielded over half a million calls since its inception. The Violence Against Women Act is providing the necessary funding.

We are also working hard to create an army of attorneys nationwide who have volunteered to provide free legal services to victims—from filing a protection order, to divorce and custody matters. But many, many more women need legal assistance. The Violence Against Women Act of 2000, which is before us today, authorizes and provides the necessary funding to help victims of domestic violence, stalking, and sexual assault obtain legal assistance at little to no cost.

Don't take my word for the need for this legislation. You have heard from folks in your states. Listen to their stories and the programs they've put into place over the past five years since we passed the Violence Against Women Act in 1994—with overwhelming bipartisan support.

Unless we act now—and renew our commitment to stopping violence against women and children—our efforts and successes over the past five years will come to a screeching halt. The Violence Against Women Act expired September 30.

If the funding dries up—make no mistake—the number of domestic violence cases and the number of women killed by their husbands or boyfriends who profess to "love" them—will increase.

Domestic violence has been on a steady decline in recent years. U.S. Department of Justice statistics show a 21 percent drop since 1993.

Why?

From Alabama to Alaska—New Hampshire to New Mexico—Michigan to Maine—California to Kentucky—Delaware to Utah—police, prosecutors, judges, victims' advocates, hospitals, corporations, and attorneys are providing a seamless network of "coordinated response teams" to provide victims and their children the services they need to escape the violence—and stay alive.

In National City, California, family violence response team counselors go directly to the scenes of domestic violence cases with police.

Violence Against Women Act funds have facilitated changes from simple, common sense reforms—such as standardized police reporting forms to document the abuse . . . to more innovative programs, such as the Tri-State Domestic Violence Project involving North Dakota, Montana, and Wyoming. This project includes getting the word out to everyone from clergy to hairdressers to teachers—anyone who is likely to come into contact with a domestic violence victims—so that they can direct victims to needed housing, legal, and medical services. And the services and protections are offered across State lines.

Such coordinated projects have different names in different States—in Oregon, they have domestic violence intervention teams.

In Vermont they have "PAVE." The Project Against Violent Encounters.

Washington State has developed "Project SAFER"—which links attorneys with victims at battered women shelters to "Stop Abuse and Fear by Exercising Rights."

In Washington, D.C. they formed Women Empowered Against Violence—known as WEAVE—which provides a total package for victims, from legal assistance to counseling to case management through the courts.

Utah has developed the "CAUSE" project, or the Coalition of Advocates for Utah Survivors' Empowerment. It is a statewide, nonprofit organization that has created a system of community support for sexual assault survivors.

In Kansas, they've funded a program called "Circuit Riders," who are advocates and attorneys who travel to rural parts of the State to fill the gaps in service.

Different names for these programs but the same funding source and inspiration—the Violence Against Women Act.

Experience with the act has also shown us that we need to strengthen enforcement of protection from abuse orders across state lines.

Candidly, a protection from abuse order is just one part of the solution. A piece of paper will not stop a determined abuser with a fist, knife, or gun.

But look at what states like New York and Georgia are doing to make it easier—and less intimidating—for women to file for a protection from abuse order.

They have implemented a completely confidential system for a victim to file for a protection from abuse order without ever having to walk into a courtroom.

It is all on-line over the internet. After the victim answers a series of questions and describes the abuse, the information is deleted once transmitted to the court—with no information stored electronically.

This project is part of specialized domestic violence courts established in many states—where one judge handles the entire case—from protection orders, to divorce, custody, and probation issues.

The Center for Court Innovation is working with the New York courts to develop customized computer technology that will link the courts, police, probation officers, and social service agencies—so that everyone is on the same page, and knows exactly what's happening with a domestic violence case.

We need to take this technology nationwide. And the Violence Against Women Act of 2000 before us today will provide funding to states for such technology, and not all our solutions are high-tech.

To help victims enforce protection orders, states and cities across this country have teamed up with the cellular phone industry to arm victims with cell phones.

In my state of Delaware, I spearheaded a drive to collect two thousand

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hones, so that every person protection from abuse order can phone programmed to auto dial 9-1-1 if the abuser shows house, place of work, at the rd when she picks up her bus stop or the grocery store. sense solutions—all sparked iolence Against Women Act passed overwhelmingly in

listen to the voices of victims elped.
Lee from Tennessee says she oday thanks to the battered elter in Dayton. Without it, ertain her abusive husband ve killed her with his violent After enduring 17 years of abuse, including severe beating her head and body, rape, and holding of needed medical llis finally escaped.
particularly severe beating, n the woods for 20 hours, para th fear that her husband would She crawled to a nearby farm nd asked for help.
the help of the woman who there, she contacted Battered , Inc.—an organization that as ictims of domestic violence. This m, which includes a hotline, lors, and a shelter, is heavily by the Violence Against Women t provided a way out for Phyllis er children, whose lives were in danger.
ttered Women, Inc. also helped lis get her GED and she is now ing as an advocate for other bat women. She says that without program, she never would have n that the option to live without existed.
ates with large Indian reserva —such as California and Nevada— formed Inter-Tribal Councils so Native American women no longer to suffer in silence at the hands of r violent abusers. One victim in fornia writes:
t were not for the Inter-Tribal Council's s, I would be dead, homeless or living in ar, with my children hungry.
n California, the Inter-Tribal Coun has reached out to Native American mmunities to establish the "Stop d Take Responsibility" program.
First, and foremost, this program is bout education—educating Native merican men that hitting your spouse is a serious crime, and educating moth rs, wives, sisters, and daughters—that o man has a right to lay a hand on them.
This past May, the shooting of Barry Grunnow, an English teacher in Lake Worth, Florida—by a seventh grade honor roll student named Nathaniel Brazil—shocked the nation.
Recently, Lake Worth police released reports showing a history of domestic violence in the Brazil home.
As the Palm Beach Post wrote recently in an editorial—

While violence in the home can hardly be directly blamed for the tragic shooting . . . this case does demonstrate the way in which domestic violence affects society at large, how violence in the home increased the likelihood for violence in the surrounding community. It is about time that we push for bipartisan Violence Against Women Act Reauthorization in Congress to combat domestic violence and its horrible consequences.

And if any of you doubt the link between children growing up in a home watching their mother get the living hell beat out of her—and that child growing up to be violent as well, consider this recent case two months ago in San Diego.

A prosecutor was in her office, interviewing a mother who was pressing charges against her husband after suffering years of abuse. As the questioning stretched on, the woman's 8-year-old son grew restless.

Just as little kids do—the boy tugged at his mother's sleeve, saying, "Let's go. I'm hungry . . . can we leave yet."

He became even more agitated and said: "Come on, Mom, I want to go."

Finally, the 8-year-old boy shouted: "I'm talking to you?" Then, he curled up his fist and punched her.

Now, where did he learn that?

That prosecutor not only had a victim in her office. She had a future domestic violence abuser.

But states are not giving up on these kids. For example, in Pasco County, Florida the Sheriff's Office has developed a special program just to focus on the children in homes with domestic violence.

It's called KIDS, which stands for Kids in Domestic Situations. The sheriff hired four new detectives, a supervisor, and a clerk. They review every domestic violence call to see if a child lives in the home. They are specially trained to interview that child and get him or her the needed counseling—to break the cycle of violence.

Unfortunately, the abuse does not stop for women once they are divorced—particularly when the father uses the children to continue the harassment. All too often, Kids caught in the crossfire of a divorce and custody battle need safe havens.

One woman in Colorado had to confront her former husband and abuser at her son's soccer games—to exchange custody for the weekend. She had to endure continued mental and emotional abuse, putting herself in physical harms-way. Finally a visitation center opened. Now she drops off her son into the hands of trained staff in a secure environment.

In Hawaii, Violence Against Women Act funding has allowed officials to open three new visitation centers in the island's most rural counties.

The Violence Against Women Act of 2000 adds new funding for safe havens for children to provide supervised visitation and safe visitation exchange in situations involving domestic violence, child abuse, sexual assault, or stalking.

Of course, there are also the battered women's shelters. Over the past five years, every State in this country has received funding to open new and expand existing shelters. Two thousand shelters in this country now benefit from this funding.

In my State of Delaware we have increased the number of shelters from two to five, including one solely for Hispanic women.

For as much as we've done, so much more is needed. Our bipartisan Biden-Hatch bill increases funding for tens of thousands of more shelter beds. It also establishes transitional housing services to help victims move from shelters back into the community.

And let's not forget the plight of battered immigrant women, caught between their desperate desire to flee their abusers and their desperate desire to remain in the United States. A young Mexican woman who married her husband at the age of 16 and moved to the United States suffered years of physical abuse and rape—she was literally locked in her own home like a prisoner. Her husband threatened deportation if she ever told police or left the house. When she finally escaped to the Houston Area Women's Center in Texas, she was near death.

That shelter gave her a safe place to live, and provided her the legal services she needed to become a citizens and get a divorce.

Our bipartisan bill expands upon the protections for battered immigrant women.

Thanks to nurses and emergency room doctors across this country—we have made great strides in helping victims who show up at the emergency room, claiming they ran into a door or fell down the stairs.

The Kentucky General Assembly has made it mandatory for health professionals in emergency rooms to receive three hours of domestic violence training.

The National Hospital Accreditation Board is encouraging all hospitals to follow Kentucky's lead.

The SANE program, sexual assault nurse examiners, are truly angels to victims. They are specially trained to work with police to collect needed evidence in a way that is sensitive and comforting to victims.

The Violence Against Women Act of 2000 facilitates these efforts by ensuring that STOP grants can be used for training on how to conduct rape exams and how to collect, preserve, and analyze the evidence for trial.

Finally, I am very pleased to report, this legislation expands grants under the Violence Against Women Act to states, local governments, tribal governments, and universities to cover violence that arises in dating relationships. Hopefully, this important change will help prevent tragedies like the death of Cassie Diehl, a 17-year-old high school senior from Idaho, killed by a boyfriend who left her for dead after the truck he was driving plunged 400 feet of a mountain road.

What is especially tragic about this story is the great lengths to which Cassie's parents went, before her death,

to seek help from local law enforcement agencies and local prosecutors in putting an end to the boyfriend's constant abuse of their child, even seeking a protection order from a judge. All of these efforts failed because Cassie was a teenager involved in an abusive dating relationship. Law enforcement officials believed that because Cassie was a 17-year-old high school student living at home she could not be abused by a boyfriend, that she was not entitled to protection under the law.

The legislation we will vote on today will help avoid future horror stories like Cassie's by providing training for law enforcement officers and prosecutors to better identify and respond to violence that arises in dating relationships and by expanding victim services programs to reach these frequently young victims.

Thanks in part to the landmark law we passed in 1994, violence against women is no longer regarded as a private misfortune, but is recognized as the serious crime and public disgrace that it is. We have made great strides to putting an end to the days when victims are victimized twice—first by their abuser, then by the emergency response and criminal justice systems. We are making headway.

I have given you plenty of examples, but there are hundreds more.

In addition to the battered women's shelters, the STOP grants, the National Domestic Violence Hotline, and other grant programs I have mentioned, the Biden-Hatch Violence Against Women Act of 2000 reauthorizes for five years the Pro-Arrest grants, Rural Domestic Violence and Child Abuse Enforcement grants, campus grants, the rape prevention and education grant program, and three victims of child abuse programs, including the court-appointed special advocate program (CASA).

So, let us act now to pass the Biden-Hatch bill.

There is one thing missing, I must point out, from this legislation. Unfortunately, the conference report does not extend the Violent Crime Reduction Trust Fund that would guarantee the funding for another five years—so that these innovative, effective projects can continue.

I believe that extending the trust fund is critical. Remember, none of this costs a single dime in new taxes. It's all paid for by reducing the federal government by some 300,000 employees. The paycheck that was going to a bureaucrat is now going into the trust fund. So I will continue to work to extend the trust fund to ensure that these programs actually receive the funding we have authorized.

Let me just close by saying that it has been a tough fight over the past 22 months to get my colleagues on both sides of the aisle to focus on the need to reauthorize the Violence Against Women Act. But we have finally done it.

I greatly appreciate the support, daily phone calls, letters, and e-mails of so many groups—who are the real reason we have been able to get this done this year. The National Association of Attorneys General, every law enforcement organization, all the many women's groups, the National and 50 individual State Coalitions Against Domestic Violence, the American Medical Association, the National Governors Association, nurses, the list goes on and on—more than 150 groups total.

If you'll allow me one more point of personal privilege, this act—the Violence Against Women Act—is my single greatest legislative accomplishment in my nearly 28 years in the United States Senate.

Why? Because just from the few examples provided above—it's having a real impact in the lives of tens of thousands of women and children. You see it and hear the stories when you're back home.

So let us today pass the bipartisan Biden-Hatch Violence Against Women Act now, and renew our national commitment to end domestic violence.

Mr. President, I am happy now to yield the floor.

Mr. LEAHY. May I have 30 seconds of the time I yielded to the Senator?

Mr. BIDEN. Yes.

Mr. LEAHY. I will speak more on this in another venue, but I think it is safe to say VAWA would not be voted on today had it not been for the persistence of the Senator from Delaware. That persistence is something the public has not seen as much as those of us who have been in private meetings with him, where his muscle really counted. We would not have this vote today, and I suspect it will be an overwhelmingly supportive vote—that vote would not have been today were it not for the total and complete persistence of the Senator from Delaware, just as the vote on sex trafficking is to the credit of the Senators from Kansas and Minnesota.

Mr. BIDEN. Mr. President, I thank my colleague for that. The beginning of my comments was a polite way of apologizing for my being so persistent. I have been here 28 years. I have never threatened a filibuster. I have never threatened to hold up legislation. I have never once stopped the business on the floor—not that that is not every Senator's right. I have never done that. I care so much about this legislation that I was prepared to do whatever it would take. I apologize for being so pushy about it. But there is nothing I have done in 28 years that I feel more strongly about than this. I apologize to my friends for my being so persistent.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I know my colleague, Senator BROWNBACK, wants to speak as well. Let me thank Senator BIDEN for his great leadership as well. We are very proud we were able to work this out and do trafficking and the reauthorization for the Violence Against Women Act together. Let me thank him for safe visas. He was kind enough to mention my wife Sheila. That was really an initiative on which she has been working. I was so pleased to see that in this bill.

Let me also say to my colleague, as much as I appreciate the work of the Senator from Tennessee, I want to make the point that this is not about the rule 28 scope of conference. I think the Chair will rule against my colleague from Tennessee. I think the Chair will rule against him with justification.

Most importantly, I want colleagues to know the majority of you voted for Aimee's law. I voted against it. But if the Senator from Tennessee should succeed—I know this is not his intention—that is the end of this conference report, that is the end of this legislation on trafficking, that is the end of reauthorization of VAWA, and it would be a tragic, terrible mistake.

I hope colleagues will continue to support it. I yield.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I note the hour of 3:30 approaches. Senator THOMPSON has a lot of time.

If we are able to pass this legislation today, we still have a hurdle left to go. This is a major victory for women and children subject to violence here and abroad. This is a major piece of legislation for us to be able to pass through this body. It is late in the session. We are already past the time scheduled for adjournment. To be able to get this legislation passed at this time is a significant accomplishment. The Senator from Delaware pushed aggressively and hard on VAWA, as a number of people did on other items.

This is a good day, a great day for the Senate to stand up and do some of the best work we can to protect those who are the least protected in our society, to speak out for those who are the least protected here and around the world.

This is a great day for this country, and it is a great day for this body.

I am pleased we are wrapping up this portion of the debate. I think we have had a good discussion. We will have the vote on the appealing of the point of order by the Chair. I plead with my colleagues, with all due respect to my colleague from Tennessee, to vote against my colleague from Tennessee so we can proceed to pass this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, if I have 20 seconds, with the indulgence of my colleague from Tennessee, I thank Senator BROWNBACK again. I also thank a whole lot of people, a whole lot of human rights organizations, women's organizations, grassroots organizations, religious organizations, who have been there for the bill, organizations of others who have really worked hard for reauthorization of the Violence Against Women Act. Thank you for your grassroots work.

I yield the floor and thank my colleague from Tennessee.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized to make a point of order against the conference report. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I make a point of order that the conferees included matters not in the jurisdiction of the Foreign Relations Committee. I am referring specifically to Aimee's law.

The PRESIDING OFFICER. The Senator's point of order is not well taken.

THOMPSON. Mr. President, I appeal the ruling of the Chair and ask for yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator controls 1 hour of debate. The Senator from Tennessee is recognized for 1 hour.

Mr. THOMPSON. I thank the Chair.

Mr. President, I thank my colleagues for the manner in which this has been handled and the opportunity this affords me to make the statement I am going to make today.

This is an objection to the conference report. There are many good things in this conference report. Unfortunately, Aimee's law is a part of it. I prefer to have the consideration of that independently, separate and apart from the conference report, but that is not to be.

Historically, of course, Aimee's law did pass as a part of a much larger bill, the juvenile justice bill, some time ago but was never signed into law. When I voiced my objection to it at that point, it was put into this conference report. I cannot let it go without raising my objection to something that I think has to do with an important principle.

It is very unfortunate, when we have tragic circumstances that happen in this country, such as young people being killed, all the violence and abuse that goes on in this country, we take that and use the emotionalism from it to make bad law.

I do not think anybody within the sound of my voice can accuse me of being soft on crime. I ran in 1994 on that issue. I ran again in 1996 on that issue. My position is clear. But my position is also clear that we are continuing the trend toward the centralization of decisionmaking in this country. In other words, if we do not like what a State is doing with regard to its criminal laws, we tend to find a way around it.

I do not like the idea that some States let prisoners out sooner than they should, but if we really do not like that and we really do not have any concerns about taking over the criminal jurisdiction in this country, things that have been under the purview of States for 200 years, why don't we just pass a Federal law using the commerce clause and state that it affects interstate commerce?

Perhaps the Supreme Court will allow it; maybe they will not. Why don't we just pass a Federal law on murder? Why don't we just have a Federal law that says anyone convicted of murder has to serve so much time and just get on with it? Even the people pushing things such as Aimee's law apparently recognize there is a principle that causes us problems, and that is, we are set up with a Federal system.

Every kid learns in school that we have a system of checks and balances, one branch against another, also Federal versus State and local law. It is a diffusion of power. It is time honored. It is in the Constitution. It is in the 10th amendment. Some things the States do and some things the Federal Government does.

If we do not believe in that anymore, if we are going to say every time there is some tragic circumstance, such as the drive-by shootings in 1992—we federalized the crime of drive-by shootings. In 1997, there was not one Federal prosecution for drive-by shootings, but yet it was in the headlines, and we could not help ourselves because we wanted to express our outrage at this crime that was being taken care of at the State level.

No one has ever accused these States with high-profile crimes of not jumping in and taking care of the situation, sometimes imposing the death penalty. You cannot do much more than that. Yet we feel the necessity to pass Federal laws that will ultimately create a Federal police force to do things we have left to the purview of the States for 200 years. That is a serious matter.

Nobody wants to vote against something called Aimee's law as a result of a tragedy of some young woman getting killed, for goodness' sake. Unfortunately, it happens all across this country all the time. But we have greater responsibilities when we take the oath of the office we hold. We are supposed to uphold the Constitution. Is the relationship between the State and Federal Government the one we studied in school, the one the courts tell us is still in effect, and, more fundamentally, do we need States anymore? States do not behave the way we want them to sometimes. States do not do what the Federal Government wants them to do. States do different things.

People in Tennessee might not look at something exactly the same way people in New York might look at it. People in New York might not look at something the same way people in California do. We have certain basic things on which we agree in our Federal Constitution, but the Founding Fathers gave us leeway to experiment.

Nobody I know of inside Washington, DC, has the answers to all these problems. We all have the same motivation: No one wants crime, no one wants these terrible tragedies, but we certainly do not have a monopoly on what to do about it. That is why we have States to experiment, to do different things.

Too often, under the glare of the headlines, we want one solution; we want one answer; we want one Federal answer with our name on the legislation so we "did something" about some tragic murder that happened in one of the States, which is prosecuted by the State and the person has long been sent to the penitentiary or death row.

We need to concentrate on the fact that we do not seem to think we need the States anymore. We had this fundamental disagreement at the founding of our country between Jefferson and Hamilton. Hamilton wanted a strong Federal Government, we all remember from our schooldays. Jefferson said: No, that is too much centralization of power; remember what happened to us earlier in our history. We need to diffuse that power, and the States need certain rights, so we need to balance that out.

One of my House colleagues said: The problem with Congress is we are Jeffersonians on Mondays, Wednesdays, and Fridays and Hamiltonians on Tuesdays, Thursdays, and Saturdays. We give lipservice to the proposition of limited Government, decentralization, giving more power back to the States, getting things out of Washington. We all run on that platform, and as soon as we get here, we can't wait to pass some sweeping Federal law that, in many cases, supersedes State law and the different ways States have chosen to handle a different problem.

We preempt State law. We pass Federal laws all the time. The Constitution allows us, under the supremacy clause, to do that. We will not even say when we are preempting. The courts have to decide that. We pass laws all the time, and the courts have to take a look at them later on to decide to what extent we are preempting State laws, and so we strike down those State laws.

We continue to criminalize State law. Five percent of the criminal prosecutions in this country are Federal. Yet last year there were over 1,000 pieces of legislation introduced in this Congress having to do with criminal law. It clogs the courts. Justice Rehnquist on a regular basis comes over here and pleads with us to stop this: You are not doing anything for law enforcement—he tells us—by trying to criminalize everything at the Federal level that is already covered at the State level; you are clogging the courts.

The Judicial Conference reports to us from time to time: You are clogging the courts with all this stuff that should not be in Federal court; the States are already taking care of that. Nobody is claiming they are not. So for the same offense, we have this array of State laws and this array of criminal laws, and the prosecutor can use that against a defendant however he might choose. It is not something that will enhance our system of justice but something that only enhances our own stature when we believe we are able to say we passed some tough criminal law. We are doing more to harm criminal justice by doing this than we are doing to help it.

My favorite last year was the legislation that was considered in Congress to prohibit videos of animal abuse using stiletto heels. That is not a joke. Unfortunately, we have bills such as that introduced in Congress all the time.

We, from time to time, try to get around the commerce clause. We want to federalize things, such as guns in schools. Every State in the Union has a tough law they deal with in their own way as to what to do about a terrible problem—guns in schools. We get no

headlines out of that, so we had a Federal law to which the Supreme Court said: No, that does not affect interstate commerce. Then we just try to basically directly force States to enforce Federal laws and regulations that we make—background checks for guns, when judges should retire, Federal regulations. Finally, the Supreme Court said: No, we cannot do that. The 10th amendment prohibits us from doing that. So we have a steady array of our attempting to figure out ways in and around the Constitution in order to impose our will because "we know best."

The latest, of course, now is the use of the spending clause. The courts have said, basically, if Congress sends the money, they have the right to attach strings. States blithely go along many times—not all the time, but many times. Oftentimes they accept that free Federal money and learn that they are getting 7 percent of their money for their problem and 75 percent of the regulations and redtape, the requirements that go along with it.

So this is the context in which we find ourselves when we consider Aimee's law. This is all just a little bit of history we have been dealing with to which not many people pay much attention. But it has to do with our basic constitutional structure. It has to do with the fundamental question in this country and, I think, our fundamental job; that is, What should the Federal Government do, or what should Government do, and at what level should Government do it? What is more fundamental than that? What is more important than that, as we hastily pass out and introduce these thousands of bills up here? If they sound good, do it—all the while eroding a basic constitutional principle that we all claim we believe in.

So this Aimee's law came about because of another tragic set of circumstances. We have seen them: The dragging death in Texas, the drive-by shooting case in 1992, the situation that produced Aimee's law. There is always something in the headlines of a tragic nature in criminal law.

Under Aimee's law, if Tennessee, for example, tries somebody—let's say for murder or rape—and convicts them, and that person serves their sentence under State law, under Tennessee law, and then they are released, and that person goes to Kentucky and commits another similar criminal offense, here is where the Federal Government comes into play. The Attorney General does this calculation and says, basically, that unless Tennessee's law under which this guy was convicted provides for the average term of imprisonment of all the States—you look at all the States and say: What is the average term of imprisonment for murder?—if Tennessee has a little less than the average of all the other States, and he goes to Kentucky and kills somebody else, then Tennessee has to pay Kentucky to apprehend the guy, to try the guy, and to incarcerate him for however long Kentucky wants to incarcerate him.

That is basically what Aimee's law is. So this is moving the ball a little bit farther down the road for those who want Washington to decide all the criminal laws in this country.

Here we have a standard not that Congress has set. A lot of times we will say: We want everybody on the highways to be driving under the old .08 rule because we believe that ought to be the intoxication limit. We are going to withhold funds if you don't. It is a Federal standard. You can argue with it or you can agree with it.

But that is not what we have here. This is not a standard that Congress has had hearings on and has determined that Tennessee has to live up to. It is a standard that is based upon a calculation of what the average is among all the other States.

What if Tennessee looks at it a little differently? They ought to have the right to have a little more stringent laws or a little more lenient laws. They have the people of Tennessee to answer to. They have their own legislature. They have their own Governor. These are things that Tennessee has been deciding for 200 years. If they do not do what the average of other States do, when it is totally within their prerogative, should they be penalized?

There are several problems with this law. Some of them are constitutional because it has ex post facto concerns. I do not know, for example, in reading this law, whether it intends to apply to people who have already been sentenced or whether it applies to people who will be sentenced after this law comes into effect.

I wish one or any of the sponsors of this bill would come to the floor and tell us whether or not the intent of this law is to have this law apply to people who have already been sentenced maybe 5 years ago, maybe 10 years ago. If so, then what can a State do about that to avoid being penalized the way I just described?

Secondly, if a person is still serving time, and the State knows it is going to be penalized if he is released under the State law because other States might have a little more stringent law, what is going to happen next time that person comes up to the parole board? Are they going to be looking at it objectively?

Or, better still, the question is, to the sponsors of this legislation: What about people who have already been convicted and already served their time and have been out of jail now for 15, 20 years, and they go to Kentucky and kill somebody else? Does this apply to them? If that is the case, there are thousands and thousands and thousands of people in every State who have been convicted of crimes and are now out of jail and going to other States. Are we going to go back and calculate what the average law provided for incarceration for all of those people? I think it is silent.

If the intent is, in fact, to catch all of those people and, if they do something else, have this law apply, it has ex post facto ramifications with regard to the State. You are not doing anything to the individual, but you are forcing the State to either lose money or to try to extend the time these people stay in jail.

Can you imagine the litigation you are going to have with regard to these parole board hearings, when a person apparently looks as though he is eligible for parole, but the parole board has discretion, and they know if they release this person, he is going to be one of these people caught under the law? Can you imagine the litigation that is going to come about as a result?

If, on the other hand, it is not meant to be ex post facto, if, in fact, this law only applies to those who are convicted of crimes after the effective date of this law, then this law is going to be a nullity for the most part, I imagine, for many years, if people serve out terms in prison for horrendous crimes.

I would like to know, seriously, what the intention of the law is because it is not clear from the legislation itself. As Fred Ansell has said:

> If it applies retroactively, then the law could apply retroactively in different ways. It could mean that the law applies only if an offender is released from a State after 2002 after having served a less than average sentence, and then commits a crime. Or it could even mean that a person commits a crime as early as January 1, 2002, who was released from prison many years ago.
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> If the State is liable for what an already-released offender does in the future, and it accepts the Federal funds with these conditions, then the State has agreed to accept an unlimited future liability. It will be liable for the crimes that thousands of offenders might commit, as measured by the costs of apprehension, prosecution, and incarceration. This is not losing 5 percent of transportation funds for not enacting a 21-year-old drinking age, as was upheld in South Dakota v. Dole. This is where Federal "pressure turns into compulsion." Moreover, the funds are not attached to a new program. The conditions are attached to funds that States have already satisfied conditions to receive now and are being used for law enforcement purposes now. Prisons under construction now might have to be abandoned if the States can no longer receive Federal funds for prisons unless they lengthen their sentences. Drug task forces, police assistance, prosecutorial assistance, all of which are currently functional, would be jeopardized, causing possible loss of life and limb to the citizenry, if States did not adopt Washington's sentencing policy in order to be sure to continue receiving the money. That is coercion, not inducement.
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> If the measure is retroactive only with respect to people who are released after 2002 for earlier committed crimes, the compulsion is not as great, but is still very strong, as the State still faces unlimited liability for any prisoners for future crimes committed over many years. To avoid that, a State seeking to retain Federal funding might essentially, in the Supreme Court's words, be "induced . . . to engage in activities which would themselves be unconstitutional," such as lengthening the sentences of those who would otherwise be released, violating the ex post facto clause.

wouldn't be a direct length- but it would certainly have a po- effect with regard to, for exam- ole board activities. So not only have an ex post facto problem, ve a spending loss problem. The e Court has held that Congress hhold money, unless the States in the behavior that Congress them to as they receive the . They don't have to take the , but if they do, they have to he strings attached to it. The Su- e Court has basically upheld that. upreme Court also said the condi- that the Federal Government on the use of the money must be biguous. The States must know they have to do in order to get oney.

mit that under the present case, 's law, the States could not tell they have to do in order to get oney because they are always g with a moving target. If you re- ber what I said a while ago, the of the game is for the States to ratcheting up their incarceration so they are within the national age. If they fall below that for r own good purposes, whatever the ons and circumstances—they want evote more money to prevention, they want to devote more to reha- itation instead of prisons, whatever ir decisions might be—if they fall a tle below, they are going to lose eir money. If they want to keep their oney, how high are they supposed to aise their incarceration rates? Be- ause by the time they change their w and raise their incarceration rates r these various offenses, other States, presumably, could be doing the same thing. You are always going toward a moving target. Each State is trying to outstrip each other, and each State, if it wants to keep its money and not have to pay for 40 or 50 years for some- body in another State—their incarcer- ation expense—the safe thing for it to do is ratchet up the time. The safest thing for it to do would be to give life sentences without parole.

For some people, I think that is a good idea anyway. But is that some- thing we ought to be forcing States to do with regard to any and all prisoners who come before them who are charged with this particular list of crimes? It is a list that this Congress has decided is the protected list—not anything else, just this protected list. If the States don't comply, then they lose their Fed- eral money. So the States can't tell what they are supposed to do in order to keep their money. It is a very am- biguous, bad piece of legislation.

There are policy reasons in addition to what I have described and in addi- tion to the constitutional problems. It pits one State against another. We are supposed to be doing things to unify this country—I thought. The Supreme Court and this Congress spends a lot of time and attention on implementing the commerce clause, designed to make sure there is the free flow of goods and people and information one State to another.

The Supreme Court strikes down laws that States might want which might say another State can't come in, or where they are trying to impose their will on another State outside their boundary. The commerce clause promotes a free flow of commerce, but under this particular law you are pit- ting one State against another, calcu- lating to see if they can get some money from another State because they have a different criminal law than this other State had, and the Attorney General of the Federal Government is the referee and she keeps the books on all of that. That is a terrible idea.

Another policy reason is that Aimee's law defeats the very purpose that it is trying to carry out. Much of the money that will be withheld, if a State doesn't comply with this Federal mandate, will go for prisons. One of the reasons, presumably, why some States have to turn people out before we would like is because of a lack of pris- on space. They are getting this Federal money in order to help them with more prisons.

This is a very circular kind of situa- tion the Federal Government is cre- ating. We are cutting them off from money to do the very thing that is the reason we are cutting them off because they didn't do it in the first place. It makes no sense whatsoever. There is no additional inducement—is the next policy reason—under Aimee's law for the States—other than to keep their Federal money—for the States to com- ply with this Federal rule.

We are concerned about people get- ting out of jail and committing other crimes. We are all concerned about that. But seven out of eight crimes that are committed by people who have gotten out of jail happen in the States in which they were confined. So the State of Tennessee has every reason in the world to want to have laws that are reasonable for the protection of its own citizens and to keep people confined for a reasonable period of time for these crimes for the protection of their own citizens. Do they need any inducement because one out of eight might go somewhere else and commit a crime and that State might come back on them?

You have a situation here of par- ticular crimes. Murder, as defined under Federal law, could mean any- thing from vehicular homicide on up. So, presumably, someone could be con- victed of vehicular homicide in Ten- nessee and go to California and be con- victed of first-degree murder; they are both murder under the meaning of this law. California could get Tennessee's Federal money to incarcerate this guy for the next however many years for murder when he was only convicted of vehicular homicide in Tennessee.

This has not been thought through.

The Federal Government simply should not be setting the standards for State crimes. They ought to set the standards for Federal crimes. States ought to have the flexibility to choose with their limited resources.

We tax the citizens of the States at a rate unprecedented since World War II. We put mandates on States with which we have been struggling, and we are trying to back off that a little bit. We have all of these regulations we put on the States. They have limited re- sources most years. They are doing a little better these days. They ought to have the right to decide for them- selves—the people who elect their offi- cials—how they use those resources.

If they want to spend more money for education, if they want to spend more money for health care, if in the crimi- nal area they want to spend more money for prevention, if they want to spend more for rehabilitation, those are different things that different States are doing all across the country. We can see who has been successful and who has not been successful.

That is the reason we have States. That is the reason our Founding Fa- thers set up States. If we don't allow them to do that, what is the use of hav- ing them? Why do we have them? Why don't we just go ahead and pass a Fed- eral law for everything and abrogate the States, if we don't need that kind of diversity and if we don't need that kind of experimentation?

The Federal Government would have States keep people—let's say the elder- ly—and have to make the tradeoff of using limited resources to keep people in jail who are, say, elderly and long past the time when you would think they would be dangerous to people, but keep them there on the off chance that they might get out and commit a crime in another State, and so forth. It doesn't make any sense.

This is simply an indirect attempt by the Federal Government—by us, by the Congress—to get States in a bidding war as to who can pass the most strin- gent laws in all of these areas. That is OK in and of itself. But it shouldn't be done because we are threatening them to do it. We think we have the answers to these problems, and we don't.

I served on the Judiciary Committee a while back, and I was chairman of the Juvenile Justice Subcommittee for a while. For anybody who deals in criminal law, the first thing they have to come away with, if they are being fair about it, is a sense of great humil- ity.

There is so much we do not know about what causes crime—why young people commit crimes, what the best solution is, and so forth. My own view is that we should spend a lot more time, money, and research, and we should spend a lot more time, money, and effort in finding out what is going on in these various communities around the country with the various approaches communities and States have had and the various kinds of prob- lems. It is very complex and very con- troversial. But that doesn't stop us. Last time I checked, we had 132 pro- grams on juvenile crime alone at the

Federal level without a clue as to whether or not any of them are working or doing any good. My guess is that some of them are probably counterproductive.

A lot of people want to pass, as a part of a bill, to have youthful offenders sentenced as adults. In some cases, if States want to do that, that is fine with me. But we were going to impose a requirement that all States sentence youthful offenders as adults within certain categories until we found out that the way it plays out in some cases is they would get less time as an adult than they would in a juvenile facility.

There is just an awful lot we don't know.

Why should we be forcing States to adhere to some kind of a national standard as to how long a person ought to serve for a list of crimes? If we really believe we ought to do that, why don't we just go ahead and do it directly?

We have seen the benefit of a system our Founding Fathers established over and over and over again. This is not just textbook stuff. It has to do with power, and the use of power, and who is going to use power, and how concentrated you want it. It has to do with innovation. It has to do with experimentation. It has to do with good competition among the States. We have seen welfare reform, education choice, competitive tax policies, and public-private partnerships all thrive at the State level. Good things are happening.

This law is another step away from all of that, another step toward Federal centralization and the monopolizing of criminal policy in this country. I could not let this go and could not let this pass without making that abundantly clear once again.

I yield the remainder of my time.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank Senator THOMPSON for his consistency and for the remarks he just made. I don't know that it will sway the vote, but it is certainly worth contemplating what he just said.

UNANIMOUS CONSENT AGREEMENT—H.R. 4635

Mr. LOTT. Mr. President, after extensive collaboration with Senator DASCHLE, we have come to this consensus which we believe is in the best interests of all concerned.

I ask unanimous consent that the Senate proceed to Calendar No. 801, H.R. 4635, the HUD-VA appropriations bill, on Thursday at 9:30 a.m., the committee substitute be agreed to, one amendment which will be offered by Senator BOND and Senator MIKULSKI be immediately agreed to, and the bill time be limited to the following:

Fifteen minutes under the control of Senator MCCAIN;

Five minutes under the control of Senator KYL;

Ten minutes equally divided between the subcommittee chairman and ranking minority member;

Ten minutes equally divided between the chairman and ranking minority member of the full committee.

I further ask unanimous consent that there be one amendment in order by Senator DASCHLE, or his designee, regarding the Treasury-Postal appropriations bill, and following the offering of that amendment there be 10 minutes for debate to be equally divided in the usual form, and no amendments be in order to the amendment.

I further ask unanimous consent that following the vote relative to the Byrd amendment, Senator BOXER be recognized to offer up to two first-degree amendments relative to environmental dredging, drinking water regulations, and Clean Air Act area designation, and there be up to 30 minutes of debate on each amendment to be equally divided in the usual form, with no other amendments in order, and the amendments not be divisible.

I further ask unanimous consent that following disposition of the amendments just described, the bill be advanced to third reading and passage occur, all without any intervening action or debate.

I further ask unanimous consent that the votes just described occur beginning at 12:30 p.m. on Thursday and there be 2 minutes before each vote for explanation.

I further ask unanimous consent that following the vote, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, those conferees being the entire subcommittee, including Senators STEVENS and BYRD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 4516

Mr. LOTT. Mr. President, I ask unanimous consent that immediately following the vote on the adoption of the HUD-VA bill on Thursday, the motion to proceed to the motion to reconsider the vote by which the conference report to accompany H.R. 4516 was not agreed to be immediately agreed to, and the vote occur on the conference report immediately, without any intervening action or debate.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 4733 VETO MESSAGE

Mr. LOTT. Mr. President, I ask unanimous consent that the veto message with respect to the conference report accompanying H.R. 4733 be considered as having been read, printed in the RECORD and spread in full upon the Journal, and the message then be referred to the Appropriations Committee.

Before the Chair grants this request, I would like to say to my colleagues that, unfortunately, the Senate does not have the votes to override this veto. I still believe strongly that the energy and water appropriations conference report should not have been vetoed and that there is a real threat of danger as a result of the provisions that are in controversy. The vote in the Senate was 57-37, which is a very strong vote. But at this point it appears there certainly would not be sufficient votes to override the President's veto.

I regret the veto. The Senate needs to proceed now to complete these appropriations bills, and therefore we have had to go through the process as just be outlined in these previous unanimous consent requests. Therefore, this consent addresses the immediate concern of the veto message entering the Senate Chamber.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, while Senator DASCHLE is here, he may want to make comments. I thank him again for working to help get this agreement worked out, as Senator REID certainly has been helpful, and Senator BOND, chairman of the committee, and Senator MIKULSKI, ranking member of the HUD-VA appropriations subcommittee; they have done good work.

As a result of these agreements, we will be able to act tomorrow on the HUD-VA appropriations bill, the energy and water appropriations bill, as will be modified to put in the agreed-to language with regard to section 103, and we also will then have the Treasury-Postal appropriations bill included in this process.

We will continue to work after this vote at 4:30 to get an agreement with regard to the time and a vote on the Defense authorization bill. We are working through the difficulties which are probably on this side; maybe on both sides. We will try to work that out, and also a time when a vote will occur on the Agriculture appropriations conference report.

I will have to communicate some more. I thought it important to go ahead and get these agreements lined up.

I remind Members, we have two votes scheduled at 4:30.

Mr. DASCHLE. I commend the majority leader for his work in reaching this agreement and compliment and thank Members on both sides of the aisle.

We have to be realists as we try to finish our work at the end of this session. Being realists means we don't get it exactly the way we want it. Obviously, many Members have serious problems about the way we are proceeding. We, nonetheless, realize we have to get the work done. While it may not be pretty, it will get the work done. That is ultimately what we are here to do.

To clarify what this agreement does with regard to some of the concerns

that some Members have raised, first and foremost, this allows for the completion of the Treasury-Postal bill because we address the IRS concern raised by the administration. We are very pleased that issue has been resolved and we are now able to go forth at least from the point of view of the administration. Senator BYRD had the same concern I did about procedure. This allows us technically to have taken up TPO on the floor, as Senator BYRD has strongly suggested we do and as some Members proposed be done. This allows us to do that, and we will do it in concert with the consideration of HUD–VA.

Obviously, as I think everyone now knows, section 103 of the energy and water bill is very problematic for the administration and for some of us. This understanding takes out section 103.

We have accommodated a lot of the concerns in reaching this agreement. We will have a couple of amendments offered by Senator BOXER who has concerns about the HUD–VA bill. This reaches the level of understanding we have with regard to her concerns, as well.

Clearly, this is a compromise taking into account both the procedural as well as the substantive concerns many Senators have had on both sides of the aisle, and it accommodates those concerns as best we can under these circumstances.

Again, I end where I began by complimenting the majority leader, by expressing my appreciation for his work in trying to reach an accommodation of some of these issues. I hope we can do more on other bills that are yet to be considered.

I yield the floor.

Mr. REID. While the two leaders are on the floor, there is so much acrimony on the Senate floor, and there will be more in the future. At a time when we have accomplished a great deal procedurally, you two should be commended. It has been difficult to arrive at this point. This is one of the times where we worked with some cooperation. There will be more difficulties before the session ends, but the two leaders are to be commended for the work done today.

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

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

VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000—CONFERENCE REPORT—Continued

Mr. BROWNBACK. Mr. President, I know under the unanimous consent agreement Senator THOMPSON would have the time until 4:30 when it was agreed the vote would be set. I ask unanimous consent to speak on the sex trafficking bill for up to 5 minutes.

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

Mr. BROWNBACK. Mr. President, rather than not using the time, I thought it wise to go ahead and use this time to visit about this important vote that will be taking place. There may be some people who are just now focusing on what is happening.

We have a base bill with sex trafficking. The Violence Against Women Act is the base of the bill, and it is put together in an overall piece of legislation with the Trafficking Victims Protection Act of 2000, Aimee's law, Justice for Victims of Terrorism Act, and the 21st Amendment Enforcement Act. This is the combined bill soon to be voted on.

A point of order has been raised and ruled against by the Chair, and we will be voting on appealing the ruling of the Chair. I hope my colleagues will vote in favor of the Chair and we will go to the final bill for a vote. To vote against the Chair and subtract Aimee's law, sends the bill back to the House, and we don't have time to get this done.

This is an important day for women and children subject to violence, both domestically and abroad. It is an important day that this body is going to follow the House and put in place needed protections for people, women and children, subject to this violence, both domestically and abroad.

It is an important day for those who have worked as advocacy groups and defenders of the defenseless, including people trafficked across international borders, with their papers burned and told: You owe.

This is important also for women in abusive relationships, physically abusive, who need help.

This addresses both of those issues. I think it is important this body, in the waning days of this session, go out with a strong statement that we are there with you; we are supporting those who are victimized in these situations, domestically and abroad. We are speaking out for those who, in many cases, have no voice.

I can still see the girls I met in Nepal who were trafficked at 11 and 12 years of age, coming back to their home country and to their villages, 16, 17 years of age, in terrible condition, having been subjected to sex trafficking, beaten by brothel owners, in some cases locked up at night, raped repeatedly, and told, "You have to work this off; I own you," and then released to go home when they contract horrible diseases. In not all cases that works that way, but in too many cases it does work that way.

This body is speaking today. We are speaking on behalf of those who are so defenseless in these particular types of situations.

I want to recognize some people who have been particularly helpful on this. Senator LEAHY has worked very hard with us on this, through many of the issues he has had on this. Senator WELLSTONE and I have worked on the trafficking. Senator BIDEN and Senator HATCH have worked on the Violence Against Women Act. This has been a true bipartisan and bicameral effort. CHRIS SMITH and SAM GEJDENSON in the House, Republican and Democrat, have worked with us to get this through. Chairman HYDE of the Judiciary Committee in the House has worked to get this on through. My staff, Karen Knudsen and Sharon Payt, have worked very hard. The outside advocacy groups range from Gloria Steinem to Chuck Colson in support of this legislation, saying this is something we need to speak out about; this is something we need to do.

I want to recognize the leader, TRENT LOTT. In these waning hours of the session, there are about 150 different bills that want to get to the floor. Senator LOTT has said this one is coming to the floor. Not only did he say it is coming to the floor, he gave us all day on October 11 to be able to carry this on through and get this through. This is precious time. It could have been spent and was being pushed to be spent on a number of different issues. Instead, Senator LOTT said, no; we will go ahead and let this issue come forward. We will take the whole day debating it. People can be heard on this particular issue. Then we will have two votes at the end of the day.

That is a great statement on his part in support of women and children who are subject to these horrifying conditions, both domestically and abroad. I applaud his effort and his leadership and his work getting this done.

I just came from a press conference with Senator SANTORUM on Aimee's law, an important piece of legislation concerning what happened to Aimee Willard, an act perpetrated by a person was released early from prison in Nevada and went to Pennsylvania. She was an all-American lacrosse player at George Mason University. She was traveling, her car was taken over by this guy who had been previously convicted and released early out of a Nevada prison, then he takes her, kidnaps her, rapes her, and murders her.

This is legislation that does not federalize crimes, but it encourages States to step up and say: If a person is convicted of one of these crimes, keep him in for at least 85 percent of what he was sentenced for; or if they go to another State and commit this recidivism crime, then the State that has to prosecute and incarcerate this person, the criminal who did this, they can get part of the Federal moneys from the State that let the person go free early.

I think it is a sensible approach to try pushing this on forward. It is a good piece of legislation. It is something that deserves passage. Here in these waning hours of this session, I would just say I am very pleased to be a part of this body that would stand up

and speak out and step forward on important legislation like this for the defenseless, for the voiceless, for those who are in harm's way. I applaud that. I hope my colleagues will vote as the House did, overwhelmingly, for this legislation. It passed in the House 371–1.

If I can encourage you any more, I say pull out a picture from your billfold, pull out a picture of a child or grandchild. Those are the ages, somewhere between 9 and 15, who are the most frequently trafficked victims. Young ages. Aimee Willard was a young age—not quite that young. But you get young ages of people who are subjected to this. We are stepping up and doing something on their behalf.

Mr. President, I thank my colleagues for the time I have been able to use for this. I urge the President to sign this legislation when it gets to his desk. I am hopeful he will. I do not know of any reason he would not sign this legislation. This will be a major accomplishment of this Congress that is going to be completed at this time.

I yield the floor.

Mr. LEAHY. Mr. President, there is an interesting precedent being set as the Senate considers adopting Aimee's law as part of the conference report on the Sex Trafficking Act. The supporters of Aimee's law argue that states have a financial responsibility regarding the protection, or lack of protection, offered by state law.

I have expressed my concerns about Aimee's law and I want to put my colleagues on notice. If Congress and the President determine that this Act will become law, there are important ramifications that should be reflected in future legislation on many issues.

For example, the application of the Aimee's law standard to state responsibility should also be applied to pollution and waste that also crosses state borders. I think it will be interesting to see in the future whether supporters of Aimee's law will also support efforts to make states responsible for air pollution that is generated in their states but falls downwind on other states to damage the environment and endanger the health of children and individuals who suffer from asthma.

My colleagues in the Northeast will all recognize this issue—we are collectively suffering from the damage inflicted on our forests, waterways, and public health every day by the tons of uncontrolled pollution emitted from power plants in the midwest. In 1997, out of the 12,000,000 tons of acid-rain causing sulfur dioxide emitted by the United States, Vermont was the source of only ten—or 0.00008%. Yet my state suffers disproportionately from the ecological and financial damage of acid rain, from stricken sugar maple trees to fishless lakes and streams. Vermont, like many other New England states, spends significant funds to test fish for mercury and issue fish advisories when levels are too high—mercury that also has its source at uncontrolled midwestern plants. All of our hospitals also spend money for tests for respiratory problems for children exposed to ozone-thick air, air that drifts into Vermont from the urban centers to the south and west.

I would like to put the Senate on notice that when the Senate considers any amendments to the Clean Air Act, I will consider offering an amendment that will hold states responsible for the cost of the pollution they generate and which falls downwind. It will be interesting to see whether the supporters of the logic behind Aimee's law will support a Federal Government mandate that Vermont be paid by midwestern states for every ton of uncontrolled pollution that crosses into our state and results in costs to our environment and our citizens.

I provide this background to highlight the underlying problems with Aimee's law. While done with the best of intentions, the solution achieved with this provision is on questionable constitutional ground and has the potential to set a precedent that will have far reaching implications for many issues Congress will address in the future.

• Mr. HELMS. Mr. President, this conference report is a splendid example of Congress reasserting its moral underpinning in U.S. foreign policy. It will effectively combat the disgrace of women and children being smuggled, bought and sold as pathetic commodities—most often for the human beasts who thrive on prostitution.

The conference report deals with all aspects of sex trafficking, from helping victims to punishing perpetrators.

Significantly, the legislation calls on the executive branch to identify clearly the nations where trafficking is the most prevalent. For regimes that know there is a problem within their borders, but refuse to do anything about it, there will be consequences.

No country has a right to foreign aid. The worst trafficking nations must have such U.S. aid cut off. And if they don't receive U.S. bilateral aid, then their officials will be barred from coming onto American soil. Our principles demand these significant and important symbolic steps.

Some may complain that this is another "sanction" in the alleged proliferation of sanctions Congress passes. But denying taxpayer-supported foreign aid is not a "sanction." Foreign aid is not an entitlement.

I commend Senator BROWNBACK for his unyielding efforts to help the victims of sex trafficking, which is nothing less than modern-day slavery. The inevitable controversies over differences between House and Senate bills were ironed out because of Senator BROWNBACK's leadership.

Time and again, Senator BROWNBACK personally intervened with conferees, with our colleagues on the Judiciary Committee, and with the House and Senate leadership in order to obtain agreement on this important legislation.

SAM BROWNBACK is devoted to helping less fortunate citizens, whether they are farmers struggling to keep their farms in Kansas or the helpless women and children caught up in the trafficking of human beings. I salute Senator BROWNBACK for his remarkable efforts.

Also of particular significance is a provision authored by Congressman BILL MCCOLLUM of Florida, which will assist victims of terrorism. Senator MACK and others who have had a longstanding interest in this issue were instrumental in helping this provision find a place in the conference report. The provision helps families struck by the horrors such as the attack on Pan Am 103 get fair restitution, coming in part from the frozen assets of terrorist states.

The conference report is a solid and effective measure to help the victims of violence and abuse, the kind of abuse which is nothing short of evil. Those victims are most often women and children, and this legislation goes a long way to protect them.•

• Mrs. FEINSTEIN. Mr. President, I rise to support the Victims of Trafficking and Violence Protection Act of 2000 conference report. While I have some reservations of some parts of the conference report, I am pleased that a number of important provisions have been included.

I would like to focus my comments today on three specific provisions of this report: the Violence Against Women Act of 2000, the Justice for Victims of Terrorism Act, and the Twenty-First Amendment Enforcement Act.

I strongly supported the Violence Against Women Act when we passed it 6 years ago. VAWA was the most comprehensive bill ever passed by Congress to deal with the corrosive problem of domestic violence. I believed then and believe now that this legislation was long overdue.

For far too long, there has been an attitude that violence against women is a "private matter." If a woman was mugged by a stranger, people would be outraged and demand action. However, if the same woman was bruised and battered by her husband or boyfriend, they would simply turn away.

Attitudes are hard to change. But I believe that VAWA has helped.

In the last 5 years, VAWA has enhanced criminal penalties on those who attack women, eased enforcement of protection orders from State to State, and provided over $1.6 billion over 6 years to police, prosecutors, battered women's shelters, a national domestic violence hotline, and other provisions designed to catch and punish batterers and offer victims the support they need to leave their abusers.

The Violence Against Women Act works. A Department of Justice study recently found that, during the 6-year period that VAWA has been in effect, violence against women by intimate partners fell 21 percent.

However, the same study found that much more work remains to be done. For example:

Since 1976, about one-third of all murdered women each year have been killed by their partners;

Moreover, women are still much more likely than men to be attacked by their intimate partners. During 1993–1998, women victims of violence were more than seven times more likely to have been attacked by an intimate partner than male victims of violence.

VAWA 2000 will help us complete that work. This legislation would do three things.

First, the bill would reauthorize through fiscal year 2005 the key programs in the original Violence Against Women Act. These include STOP grants, pro-arrest grants, rural domestic violence and child abuse enforcement grants, the national domestic violence hotline, and rape prevention and education programs. The bill also reauthorizes the court-appointed and special advocate program, CASA, and other programs in the Victims of Child Abuse Act.

Second, the bill makes some improvements to VAWA. These include:

Funding for grants to help victims of domestic violence, stalking, and sexual assault who need legal assistance because of that violence;

Assistance to states and tribal courts to improve interstate enforcement of civil protection orders, as required by the original Violence Against Women Act;

Funding for grants to provide short-term housing assistance and short-term support services to individuals and their dependents fleeing domestic violence who are unable to find quickly secure alternative housing;

A provision providing supervised visitation of children for victims of domestic violence, sexual assault, and child abuse to reduce the opportunity for additional domestic violence during visitations;

A provision strengthening and refining protections for battered immigrant women; and

An expansion of several of the primary grant programs to cover violence that arises in dating relationships.

I was disappointed that the conference did not agree to extend the recently expired Violent Crime Reduction Fund. The money for the trust fund comes from savings generated by reducing the Federal workforce by more than 300,000 employees, and it was the primary source of money for VAWA programs. This will mean that VAWA will likely be funded directly by tax revenues.

However, I am pleased that the conference agreed to restore language that would allow grant money to be used to deal with dating violence. Without this language, women could not benefit from VAWA unless they cohabited with their abusers. That makes no sense. In fact, the Department of Justice study on intimate partner violence found that women between the ages of 16 and 24—prime dating ages—are the most likely to experience violence within their relationships.

VAWA has been particularly important to my own state of California. VAWA funds have trained hundreds of California police officers, prosecutors, and judges. They have provided California law enforcement with better evidence gathering and information sharing equipment.

VAWA funds have also hired victims' advocates and counselors in scores of California cities. They have provided an array of services to California women and children—from 24-hour hotlines to emergency transportation to medical services.

I have heard numerous stories from women in California who have benefitted from VAWA. For instance, one woman wrote to me to how she fled from an abusive relationship but was able to get food, clothing, and shelter for her and her four children from a VAWA-supported center. If it was not for VAWA, she wrote, "I would have lost my four children because I didn't have anywhere to go. I was homeless with my children."

And the head of the Valley Trauma Center in Southern California wrote me about another tragic case. Four men kidnaped a woman as she walked to her car and raped her repeatedly for many hours. Incredibly, because the men accused the victim of having sex with them voluntarily and one of the men was underage, the woman herself was charged with having sex with a minor. As a result, the woman lost her job. Fortunately, the center, using VAWA funds, was able to intervene. They helped get the charges against the victim dismissed and assisted the woman through her trauma.

There is no question that VAWA has made a real difference in the lives of tens of thousands of women and children in California. Let me give you some more examples:

Through VAWA funding, California has 23 sexual assault response teams, 13 violence response teams, and scores of domestic violence advocates in law enforcement agencies throughout the state. These teams have responded to hundreds of incidents of domestic violence, saving lives and helping protect California women and children from abuse.

Since 1997, eight counties in California have developed stalking and threat assessment teams, STATs. Since VAWA was enacted, there has been a 200-percent increase in the number of felony stalking cases filed by the Los Angeles District Attorney.

Within 2 weeks of launching an antistalking educational campaign using VAWA money, the Los Angeles Commission on Assaults Against Women, LACAAW, received about 40 calls to its crisis hotline. These calls resulted in numerous investigations by the local STAT.

Since LACAAW receive VAWA money in 1997, it has seen a 64 percent increase in the number of victims served. Moreover, its rape prevention education program services have doubled in this period.

In the last 5 years, Women Escaping a Violent Environment, WEAVE, a victim service provider in Sacramento, has doubled its legal advocacy efforts and crisis and referral services. It responds to over 20,000 domestic violence and sexual assault calls to its crisis line annually and 35 requests for legal services daily.

In Alameda County, the district attorney's office has used VAWA funds to institute comprehensive training regarding the investigation and prosecution of domestic violence and stalking cases. Two hundred sixty prosecutors in Alameda and Contra Costa county and 350 police officers in Alameda country have been trained. The result: 30 new stalking cases and numerous new domestic violence cases being investigated and prosecuted just in 3 months.

Lideres Campasinas has used VAWA money to establish itself in 12 communities in California and has trained 25,000 immigrant and migrant women. Before it received this money, Lideres Campasinas did not address the problem of domestic violence among farmworker women. Now, three tribal organizations and 4 States have contacted it about setting up similar programs in their jurisdictions.

The California Coalition Against Sexual Assault's Rape Prevention Resource Center has, using VAWA money, assembled over 4,000 items focused exclusively on issues related to violence against women in the U.S. Over 4,000 items are currently available in its lending library.

In short, VAWA 2000 renews our commitment to fighting violence against women and children. I am delighted to support its passage today.

Let me also say a few words about the Justice for Victims of Terrorism Act, which is also in the conference report.

I strongly support this bill, which will help American victims of terrorism abroad collect court-awarded compensation and ensures that the responsible State sponsors of terrorism pay a price for their crimes.

Just let me talk about one example of why this new law is necessary.

In 1985, David Jacobsen was residing in Beirut, Lebanon, and was the chief executive officer of the American University of Beirut Medical Center. His life would soon take a dramatic and irreversible change for the worse, and he would never again be the same.

Shortly before 8:00 a.m. on May 28, 1985, Jacobsen was crossing an intersection with a companion when he was assaulted, subdued and forced into a van by several terrorist assailants. He was pistol-whipped, bound and gagged, and pushed into a hidden compartment under the floor in the back of the van.

Jacobsen was held by these men, members of the Iranian-backed Hizballah, for 532 days—nearly a year and a half. He was held in darkness and blindfolded during most of that time, chained by his ankles and wrists and wearing nothing but undershorts and a t-shirt. He has said in the past that he was allowed to see sunlight just twice in those 17 months.

The food during his captivity was meager—sometimes the guards would even spit in his food before handing it over.

Jacobsen was subjected to regular beatings, and often threatened with immediate death. He was forced to listen as fellow captives were killed.

As a result of this physical and mental torture, Jacobsen has been under continuous treatment for posttraumatic stress disorder since his release in November of 1986—nearly 13 years ago.

In August of 1998, David Jacobsen was awarded $9 million by a U.S. Federal Court. The judgement was against the Government of Iran, and pursuant to a bill that Congress signed in 1996 allowing victims of foreign terrorism to recover against terrorist nations.

But David Jacobsen has collected nothing. He cannot go to Iran to ask for the verdict. And our own Government has essentially turned its back. Some have estimated the United States Government has frozen more than a billion dollars of Iranian assets. Yet not one cent has been paid to David Jacobsen. The administration has invoked waiver after waiver—even as Congress has modified the 1996 bill to clarify our intent.

The same has been true for others victimized by agents of designated terrorist-sponsoring nations, including Alisa Flatow, Terry Anderson, Joseph Ciccippio, Frank Reed, Matthew Eisenfeld, Sarah Duker, Armando Alejandre, Carlos A. Costa, and Mario de la Pena.

The legislation included in this conference report replaces the waiver authority in current law to make it both more clear, and more narrow. It is my hope that once Congress has again spoken on this issue, money frozen from terrorist nations will finally begin to flow to the victims of those terrorist acts.

The Justice for Victims of Terrorism Act also contains an amendment authored by Senator LEAHY and myself that will offer more immediate and effective assistance to victims of terrorism abroad, such as those Americans killed or injured in the embassy bombings in Kenya and Tanzania and in the Pam Am 103 bombing over Lockerbie, Scotland. This amendment does not involve any new funding; all the money for victims would come out of the existing emergency reserve fund for the Department of Justice's Office for Victims of Crime, OVC.

The Leahy-Feinstein amendment aims to provide faster and better assistance to victims of terrorism abroad. Under current Federal law, if there is a terrorist attack against Americans abroad, the victims and their families must generally go to the victims' services agencies in their home States to receive assistance and compensation. However, victims' services vary widely from State to State, and some overseas victims receive no relief at all because they cannot establish residency in a particular State.

Let me give you a couple of real-life examples created by current law:

Two American victims, standing literally yards apart, were injured in the bombing at the U.S. Embassy in Kenya. Each received severe injuries, was permanently disabled, and spent 7 months recovering at the same hospital. However, because the two were residents of different States, they received very different victims' assistance: one received $15,000 in compensation and one $100,000. And one waited a week for a decision on the money and the other 5 months.

Another American was also severely injured in the embassy bombings. Because he was not able to establish residency in a particular State, he could not receive any victims' assistance or compensation at all. In fact, because he lacked health insurance, he had to pay his medical bills himself.

The Office for Victims of Crime has been able to get around the problem in certain cases by transferring money to the FBI or U.S. attorney's offices, which then transfer the money to victims. However, this cannot be done in some situations. Moreover, even where such transfers can be done, OVC and the victims have run into a lot of red-tape and delays. An example:

Because of current law, OVC was not able to respond directly to the needs of victims of the embassy bombings. So they transferred money to the Executive Office of the U.S. attorneys, which then transferred the money to the State Department, which then transferred the money to the victims. This triple transfer took 8 months. In the meantime, the victims and their families had to pay medical bills, transportation costs, funeral expenses, and other expenses themselves.

The Leahy-Feinstein amendment will immediately benefit terrorist victims. For example, the amendment ensures that the OVC can assist victims directly with regard to the upcoming trial in New York City of the individuals who allegedly bombed our embassies in Kenya and Tanzania.

The Leahy-Feinstein amendment fixes the problem in three ways.

First, it creates a single, centralized agency to help victims of terrorism abroad. This agency—OVC—has more expertise and resources to help overseas terrorism victims than a typical State victims' services agency. For example, OVC can much more easily get information from U.S. and foreign government agencies to process victims' claims than, say, the Wyoming Victim Services Division.

Second, it eliminates the gaps and inconsistencies in Federal and State victims' services statutes that result in disparate treatment of similarly situated victims of terrorism. The amendment provides OVC with much more flexibility to assist victims of terrorism directly, avoiding unfair results.

Third, it cuts redtape that has unnecessarily delayed services to victims of terrorism.

Specifically, the Leahy-Feinstein amendment:

Authorizes OVC to establish a terrorism compensation fund and to make direct payments to American citizens and noncitizen U.S. Government employees for emergency expenses related to terrorist victimization. The money would be used to pay emergency travel expenses, medical bills, and the cost of transporting bodies.

Allows OVC to pay for direct services to victims, regardless of where a terrorist attack occurs. This includes counseling services, a victims' website, and closed-circuit TV so victims and their families can monitor trial proceedings.

Raises the cap on OVC's emergency reserve fund from $50 million to $100 million. This would enable OVC to access additional funds in the event of a terrorist attack involving massive casualties.

Makes it easier for OVC to replenish its emergency reserve fund with money that it de-obligates from its other grant programs.

Expands the range of organizations that OVC may fund to include the Department of State, Red Cross, and others.

I would like to thank Senator LEAHY for his leadership on this issue. While he and I have sometimes disagreed on how to address the lack of victims' rights in this Nation, I am glad that we were able to work together to pass this important amendment.

Finally, I would like to discuss one last provision of this conference report. Specifically, I want to address the so-called Twenty-First Amendment Enforcement Act, S. 577, now included as part of this conference report. I want it to be perfectly clear that this provision is simply a jurisdictional statute with a very narrow and specific purpose. The bill is not intended to allow the enforcement of invalid or unconstitutional State liquor laws in the Federal courts, and is certainly not intended to allow States to unfairly discriminate against out-of-State sellers for the purposes of economic protectionism.

The Twenty-First Amendment Enforcement Act would add a new section (section 2) to the Webb-Kenyon Act, granting Federal court jurisdiction to injunctive relief actions brought by State attorneys general seeking to enforce State laws dealing with the importation or transportation of alcoholic beverages. It is important to emphasize that Congress is not passing on the advisability or legal validity of the

many State laws dealing with alcoholic beverages. Whether a particular State law on this subject is a valid exercise of State power is, and will continue to be, a matter for the courts to decide.

As you know, the powers granted to the States under section 2 of the 21st amendment are not absolute. As the Supreme Court has made clear since 1964, State power under the 21st amendment cannot be read in isolation from other provisions in the Constitution. In Hostetter v. Idlewild Bon Voyage Liquor Corporation, 377 U.S. 324 (1964), the Court began to use a "balancing test" or "accommodation test" to determine whether a state liquor law was enacted to implement a "core power" of the 21st amendment or was essentially an effort to unfairly regulate or burden interstate commerce with an inadequate connection to the temperance goals of the second section of the 21st amendment.

The Court said in Hostetter that "[B]oth the 21st amendment and the commerce clause are parts of the same Constitution. Like other provisions of the Constitution, each must be considered in the light of the other, and in the context of the issues and interests at stake in any concrete case." The Court in that case also emphasized that to draw the conclusion that the 21st amendment has repealed the commerce clause, would be "patently bizarre" and "demonstrably incorrect."

Subsequently, in a series of other decisions over the last 35 years, the Supreme Court has held that the 21st amendment does not diminish the force of the supremacy clause, the establishment clause, the export-import clause, the equal protection clause, and, again, the commerce clause; nor does it abridge rights protected by the first amendment.

In case after case (Capital Cities Cable, Inc. v. Crisp, 467 U.S. 691, 712 (1984) (supremacy clause); Larkin v. Grendel's Den, Inc., 459 U.S. 116, 122 (1982) (establishment clause); Department of Revenue v. James Beam Co., 377 U.S. 341 (1964) (export-import clause); Craig v. Boren, 429 U.S. 190, 209 (1976) (equal protection); Bacchus Imports, Ltd. v. Dias, 468 U.S. 263, 275 (1984) (commerce clause); 44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484, 516 (1996) (first amendment)), the Court has made it clear that the powers granted to the States under the 21st amendment must be read in conjunction with other provisions in the Constitution.

In Bacchus Imports, the Court stated that the 21st amendment was not designed "to empower States to favor local liquor industries by erecting barriers to competition." Nor are State laws that constitute "mere economic protectionism . . . entitled to the same deference as laws enacted to combat the perceived evils of an unrestricted traffic in liquor." The Bacchus decision stands for the legal principle that the 21st amendment cannot be used by the States to justify liquor laws which, by favoring instate businesses, discriminate against out-of-state sellers or otherwise burden interstate commerce. Economic discrimination is not a core purpose of the 21st amendment.

Earlier this year, when the Senate Judiciary Committee considered S. 577, I offered an amendment to the "Rules of Construction" section of Senator HATCH's substitute to S. 577. The amendment was intended to clarify that Congress recognizes the important line of cases I have described today and does not intend to tip or alter the critical balance between the 21st amendment and other provisions in the Constitution, such as the commerce clause. I also thought it was important that we make it clear that, in passing this jurisdictional statute, we are neither endorsing any existing State liquor laws nor prejudging the validity of any State liquor laws. In making a decision as to whether to issue an injunction, the Federal judge will look at the underlying State statute and determine whether or not it has been violated and whether it is a constitutionally permissible exercise of State authority.

The committee adopted my amendment by a unanimous voice vote and the language of subsection 2(e) now reflects the committee's intent. It states that this legislation is to be construed only to extend the jurisdiction of the Federal courts in connection with a State law that is a valid exercise of State power: (1) under the 21st amendment of the U.S. Constitution as such an amendment is interpreted by the Supreme Court of the United States, including interpretations in conjunction with other provisions of the U.S. Constitution; and (2) under the first section of the Webb-Kenyon Act as interpreted by the Supreme Court of the United States. Further, S. 577 is not to be construed as granting the States any additional power.

The legislative history of both the Webb-Kenyon Act and the second section of the 21st amendment reflect the fact that Congress intended to protect the right of the individual States to enact laws to encourage temperance within their borders. So both before the establishment of nationwide prohibition and after its repeal, the States have been free to enact statewide prohibition laws, and to enact laws allowing the local governments (i.e. counties, cities, townships, etcetera) within their borders to exercise "local option" restrictions on the availability of alcoholic beverages. Further, the States are also free to enact laws limiting the access of minors to alcoholic beverages under their police powers.

The language in subsection 2(e) reinforces the Supreme Court decisions holding that the 21st amendment is not to be read in isolation from other provisions contained in the U.S. Constitution. These cases have recognized that State power under section 2 of the 21st amendment is not unlimited and must be balanced with the other constitutional rights protected by commerce clause, the supremacy clause, the export-import clause, the equal protection clause, the establishment clause and the first amendment.

The substitute to S. 577 offered in the Judiciary Committee by Senator HATCH also made a number of other positive changes in this legislation.

Federal court jurisdiction is granted only for injunctive relief actions by State attorneys general against alleged violators of State liquor laws. However, actions in Federal court are not permitted against persons licensed by that State, nor are they permitted against persons authorized to produce, sell, or store intoxicating liquor in that State.

The Hatch substitute also made other changes ensuring that the bill tracks the due process requirements of rule 65 of the Federal Rules of Civil Procedure concerning suits for injunctive relief in Federal court. Under subsection 2(b), a State attorney general must have "reasonable cause" to believe that a violation of that State's law regulating the importation or transportation of intoxicating liquor has taken place. Further, under subsection 2(d)(1) the burden of proof is on the State to show by a preponderance of the evidence that a violation of State law has occurred. Similarly, subsection 2(d)(2) makes it clear that no preliminary injunction may be granted except upon evidence: (A) demonstrating the probability of irreparable injury; and (B) supporting the probability of success on the merits. Also, under subsection 2(d)(3) no preliminary or permanent injunction may be issued without notice to the adverse party and an opportunity for a hearing on the merits. While the legislation makes it clear that an action for injunctive relief under this act is to be tried before the Court without a jury, at the same time a defendant's rights to a jury trial in any separate or subsequent State criminal proceeding are intended to be preserved.

The amendments adopted in the Judiciary Committee bring both balance and fairness to this legislation. As amended, the Twenty-First Amendment Enforcement Act will assist in the enforcement of legitimate State liquor laws that are genuinely about encouraging temperance or prohibiting the sale of alcohol to minors. At the same time, the amended bill reflects a recognition on the part of the Judiciary Committee, the Senate, and the Congress that S. 577 is solely a jurisdictional statute and is not intended to allow the enforcement of invalid or unconstitutional State liquor laws in the Federal courts.●

Mrs. LINCOLN. Mr. President, I rise today to express my support for two very important pieces of legislation to the women of this country: the Violence Against Women Act and the National Breast and Cervical Cancer Treatment Act.

Combating domestic violence and child abuse has been a top priority for

me. I am an early cosponsor of the Violence Against Women Act of 2000 . . . And I joined with my colleagues in 1994 to pass the Violence Against Women Act, making it clear that violence against women is unacceptable.

Changing our laws and committing $1.6 billion over six years to police, prosecutors, and battered women shelters has helped America crack down on abusers and extend support to victims.

My home state of Arkansas has received almost $16 million in resources to help women who have been or are being abused. This money has made a tremendous difference to women and their families in Arkansas.

According to the Department of Justice, fewer women were killed by their husbands or boyfriends in the first two years after the Act's passage than in any year since 1976. We cannot stop this progress now.

By voting to continue the Violence Against Women Act, we send a signal to women across the country that they and their children will have options to chose from and a support network to rely on when they leave an abusive relationship. It also reinforces the message to abusers that their actions will not be tolerated or ignored.

I am also glad to see the Act expanded to include funding for transitional housing for women and children who are victims of violence, as well as resources for specific populations such as Native Americans and the elderly . . . Mr. President, I'd also like to take a minute to recognize National Breast Cancer Awareness Month and to call on the House to pass the National Breast and Cervical Cancer Treatment Act.

This bill will provide treatment to low-income women screened and diagnosed through the CDC National Breast and Cervical Cancer Early Detection Program.

Since 1990, the Centers for Disease Control's National Breast and Cervical Cancer Early Detection Program screens and diagnoses low-income women for breast and cervical cancer, but does not guarantee them treatment once diagnosed.

Nationwide, thousands of women are caught in a horrible federal loophole—they are told they have a deadly disease with no financial hope for treatment.

The American Cancer Society estimates that in the year 2000, 400 women in Arkansas will die of breast cancer, and 1,900 women will be diagnosed with it.

Luckily, my home state is currently administering an effective breast cancer screening program for uninsured women. This program has helped improve the rate of early diagnosis and also provides financial assistance for treatment.

However, right now, the CDC program reaches only 15 percent of eligible women . . .

Through the Breast and Cervical Cancer Treatment Act, Arkansas would benefit from being able to free up resources for education and outreach, to help more women across the state.

Unfortunately, Mr. President, the fight to enact this legislation is not over.

After a 421-1 passage in the House in May, this critical bill passed the Senate on Wednesday, October 4, 2000 by unanimous consent. It now must go back to the House of Representatives for a vote on the Senate-passed version and then be sent to the President for his signature. I urge my colleagues in the House to move on this legislation, so that the President can sign it into law.

And I also urge all of the women in my state to get screened this month. Every three minutes a woman is diagnosed with breast cancer, and every 12 minutes a woman dies from breast cancer. Early detection is key.

I hope the women of Arkansas, especially if they have a family history of the disease, will take time during National Breast Cancer Awareness Month to take a step that could save their lives.

Mr. KYL. Mr. President, I would like to briefly describe one item I was very pleased to see included in this legislation. The item to which I refer is a proposal of mine, the Campus Sex Crimes Prevention Act. I would like to thank Chairman HATCH and Senator BIDEN for their cooperation in getting this proposal included in the Violence Against Women Act, which has now been incorporated into the Trafficking Victims Protection Act.

The purpose of this provision is to guarantee that, when a convicted sex offender enrolls or begins employment at a college or university, members of the campus community will have the information they need to protect themselves. Put another way, my legislation ensures the availability to students and parents of the information they would already receive—under Megan's Law and related statutes—if a registered sex offender were to move into their own neighborhood.

Current law requires that those convicted of crimes against minors or sexually violent offenses to register with law enforcement agencies upon their release from prison and that communities receive notification when a sex offender takes up residence. The Campus Sex Crimes Prevention Act provides that offenders must register the name of any higher education institution where they enroll as a student or commence employment. It also requires that this information be promptly made available to law enforcement agencies in the jurisdictions where the institutions of higher education are located.

Here is how this should work. Once information about an offender's enrollment at, or employment by, an institution of higher education has been provided to a state's sex offender registration program, that information should be shared with that school's law enforcement unit as soon as possible.

The reason for this is simple. An institution's law enforcement unit will have the most direct responsibility for protecting that school's community and daily contact with those that should be informed about the presence of the convicted offender.

If an institution does not have a campus police department, or other form of state recognized law enforcement agency, the sex offender information could then be shared with a local law enforcement agency having primary jurisdiction for the campus.

In order to ensure that the information is readily accessible to the campus community, the Campus Sex Crimes Prevention Act requires colleges and universities to provide the campus community with clear guidance as to where this information can be found, and clarifies that federal laws governing the privacy of education records do not prevent campus security agencies or other administrators from disclosing such information.

The need for such a clarification was illustrated by an incident that occurred last year at Arizona State University when a convicted child molester secured a work furlough to pursue research on campus. University officials believed that the federal privacy law barred any disclosure of that fact.

Without a clear statement that schools are free to make this information available, questions will remain about the legality of releasing sex offender information. The security unit at Arizona State and its counterparts at a number of other colleges asked for this authority, and we should give it to them.

The House of Representatives passed a similar provision—authored by Congressman MATT SALMON—earlier this year. Since then, I—along with Congressman SALMON—have worked to address the concerns that some in the higher education community had about possible unintended consequences of this legislation. I am pleased to report that, in the course of those negotiations, we were able to reach agreement on language that achieved our vital objectives without exposing colleges to excessive legal risks.

For the helpful role they played in those discussions, I must thank not only Senator HATCH, Senator BIDEN, and Congressman SALMON, but Senators JEFFORDS and KENNEDY, the Chairman and Ranking Member of the Senate Committee on Health, Education, Labor and Pensions.

I appreciate the opportunity briefly to describe what I have tried to accomplish with this amendment.

Mr. JOHNSON. Mr. President, I am pleased the Senate today will vote on legislation to reauthorize the landmark Violence Against Women Act. The legislation is part of a larger bill that also helps end the trafficking of women and children into international sex trades, slavery, and forced labor.

This bill passed the House of Representatives last week, and I am confident the President will sign it into law.

I have been involved in the campaign to end domestic violence in our communities dating back to 1983 when I introduced legislation in the South Dakota State Legislature to use marriage license fees to help fund domestic abuse shelters. At that time, thousands of South Dakota women and children were in need of shelters and programs to help them. However, few people wanted to acknowledge that domestic abuse occurred in their communities, or even their own homes.

In 1994, as a member of the U.S. House of Representatives, I helped get the original Violence Against Women Act passed into law. Since the passage of this important bill, South Dakota has received over $8 million in funding for battered women's shelters and family violence prevention and services. Nationwide, the Violence Against Women Act has provided over $1.9 billion toward domestic abuse prevention and victims' services.

In South Dakota alone, approximately 15,000 victims of domestic violence were provided assistance last year, and over 40 domestic violence shelters and outreach centers in the state received funding through the Violence Against Women Act. Shelters, victims' service providers, and counseling centers in South Dakota rely heavily on these funds to provide assistance to these women and children. Some of these examples include:

The Mitchell Area Safehouse started the first Family Visitation Center in the state with these funds. The center ensures that children receive safe and monitored visits with their parents when violence has been a factor in their home environment. Now there are 9 such centers in the state.

The Winner Resource Center for Families received funding to provide emergency shelter, counseling services, rent assistance, and clothing to women and children in south-central South Dakota.

Violence Against Women Act funding has also allowed Minnehaha County and Pennington County to hire domestic court liaisons to assist with the Protection Order process.

In Rapid City, Violence Against Women Act funding also allowed Working Against Violence Inc. (WAVI) to develop a Sexual Assault Program and provide specialized crisis intervention and follow-up for child and adult survivors of rape.

On the Crow Creek reservation, Violence Against Women Act funding helped the tribal justice system to develop stalking, sexual assault, and sexual harassment tribal codes. Similar efforts have been realized on the Rosebud and Sisseton-Wahpeton reservations through this program.

The original Violence Against Women Act expired last Saturday, October 1, and I once again led the fight in the Senate this year to reauthorize this legislation. The bill that the Senate will vote on today authorizes over $3 billion for domestic abuse prevention programs. I am especially pleased that the bill includes a provision I supported that targets $40 million a year in funding for rural areas.

The National Domestic Violence Hotline is also reauthorized in this legislation. As you know, this hotline has received 500,000 calls from women and children in danger from abuse since its creation in 1994. The hotline's number is 1-800-799-SAFE, and I encourage any woman or child who is in an abusive environment to call for help.

The original Violence Against Women Act increased penalties for repeat sex offenders, established mandatory restitution to victims of domestic violence, codified much of our existing laws on rape, and strengthened interstate enforcement of violent crimes against women. I am pleased to support efforts this year that strengthen these laws, expand them to include stalking on the internet and via the mail, and extend them to our schools and college campuses.

Passage of the Violence Against Women Act reauthorization bill is another important step in the campaign against domestic violence. While I am pleased that this historic legislation will soon be on its way to the President for his signature, the fact remains that domestic violence remains a reality for too many women and children in our country and in South Dakota. I will continue to do all that I can, as a member of the United States Senate and a concerned citizen of South Dakota, to help victims of domestic violence and work to prevent abuse in the first place.

Mr. HUTCHINSON. Mr. President, I rise in support of the Trafficking Victims Protection Act and I want to commend my colleagues Senator BROWNBACK and Senator WELLSTONE for their hard work on this legislation.

Inge had hoped for a better life when she left her home in Veracruz, Mexico—for legitimate work that would pay her well. She was hoping to earn money in a restaurant or a store and earn money to bring back to her family.

She never expected a smuggling debt of $2,200. She never expected to be beaten and raped until she agreed to have sex with 30 men a day. She never expected to be a slave—especially not in the United States—not in Florida.

So she got drunk before the men arrived. And when her shift was done, she drank some more. Inge would soak herself in a bathtub filled with hot water—drinking, crying, smoking one cigarette after another—trying any way she could to dull the pain. And she would go to sleep drunk or pass out—until the next day when she had to do it all again.

Unfortunately, Inge's case is not unique. It is a horrific story played out every day in countries all over the world. In fact, at least 50,000 women and children are trafficked into the U.S. each year and at least 700,000 women and children are trafficked worldwide. These women and children are forced into the sex industry or forced into harsh labor, often by well organized criminal networks. Traffickers disproportionately target the poor, preying on people in desperate economic situations. They disproportionately target women and girls—all of this for money.

Trafficking of women and children is more than a crime—it is an assault on freedom. It is an assault on that founding principle of our nation, ". . . that all men are created equal, that they are endowed by their Creator with certain unalienable rights. . ." It is an assault on the very dignity of humanity.

Yet the protections we have against trafficking are inadequate. That is why the Trafficking Victims Protection Act is so vital.

This legislation takes several approaches to address this human rights abuse. It requires expanded reporting by the State Department in its annual human rights report on trafficking, including an assessment and analysis of international trafficking patterns and the steps foreign governments have taken to combat trafficking. It also requires the President to establish an interagency task force to monitor and combat trafficking.

As a means of deterring trafficking, the President, through the Agency for International Development (AID) must establish initiatives, such as microlending programs to enhance economic opportunities for people who might be deceived by traffickers' promises of lucrative jobs. In addition, this legislation establishes certain minimum standards for combating trafficking and authorizes funding through AID and other sources to assist countries to meet these standards. The President can take other punitive measures against countries that fail to meet these standards.

The bill also creates protections and assistance for victims of trafficking, including a new nonimmigrant "T" visa. At the same time, punishments for traffickers are increased through asset seizure and greater criminal penalties.

All of these provisions are important for strengthening U.S. and foreign law and for combating trafficking. I strongly support them.

It is a sad consequence of globalization that crime has become more international in its scope and reach. These seedy sex industries know no boundaries. Traffickers use international borders to trap their victims in a foreign land without passports, without the ability to communicate in the local language, and without hope.

But just as trafficking has become global, so must our efforts to fight trafficking. That is why I also support an appropriation in the Commerce-Justice-State Appropriations bill for $1.35

million earmarked for the Protection Project. This legal research institute at the Johns Hopkins School of Advanced International Studies is a comprehensive analysis of the problem of international trafficking of women and children. Led by Laura Lederer, a dozen researchers have been documenting the laws of 190 independent states and 63 dependencies on trafficking, forced prostitution, slavery, debt bondage, extradition, and other relevant issues. When it is complete, the Protection Project will produce a worldwide legal database on trafficking, along with model legislation for strengthening protections and recommendations for policy makers.

At the moment, the Protection Project is at a critical phase of research and funding is crucial. For the last few years, the State Department's Bureau of International Narcotics and Law Enforcement Affairs has been funding the project, along with private donations made to Harvard University, where the project was formerly housed. However, with its transition to Washington and Johns Hopkins, the project has lost private funding and has suffered a nine-month delay in its research.

I urge my colleagues on the CJS conference to retain the Senate earmark for this project. The research that the project is producing is critical to understanding, fighting, and ultimately winning the war against international trafficking of women and children.

Mr. TORRICELLI. Mr. President, I rise in support of the adoption of the conference report to H.R. 3244, the Sexual Trafficking Victims Protection Act. This conference report contains two pieces of legislation that are critically important for ensuring the safety of women and their children in our Nation as well as around the world, the Reauthorization of the Violence Against Women Act of 1994 and the Sexual Trafficking Victims Protection Act. I am extraordinarily pleased that the Senate is finally poised to join our colleagues in the House and pass both of these legislative proposals. Although it is unfortunate that Congress allowed the Violence Against Women Act to expire at the end of the fiscal year on September 30, 2000, today's action on this legislation goes a long way towards sending a message to battered women and their children that domestic violence is a national concern deserving the most serious consideration.

An important component of the Reauthorization of the Violence Against Women Act that is contained in the conference report today is the provision of resources for transitional housing. Due to the fact that domestic violence victims often have no safe place to go, these resources are needed to help support a continuum between emergency shelter and independent living. Many individuals and families fleeing domestic violence are forced to return to their abusers because of inadequate shelter or lack of money. Half of all homeless women and children are fleeing domestic violence. Even if battered women leave their abusers to go to a shelter, they often return home because the isolation from familiar surroundings, friends, and neighborhood resources makes them feel even more vulnerable. Shelters and transitional facilities are often located far from a victim's neighborhood. And, if emergency shelter is available, a supply of affordable housing and services are needed to keep women from having to return to a violent home.

Due to the importance of ensuring that battered women may access transitional housing, I remain concerned that the conference report provides only a one-year authorization for the transitional housing programs. Consequently, I intend to work closely with my colleagues throughout next year to ensure the continued authorization and funding of these critical programs. I look forward to working with my colleagues to strengthen transitional housing programs for battered women and their children and I hope they will lend their strong support to this effort.

Mr. ABRAHAM. I rise to express my strong support for this conference report. It contains two very important measures: the Trafficking Victims Protection Act, aimed at combating the scourge of sex trafficking, and the Violence Against Women Act of 2000, aimed at reauthorizing and improving on federal programs and other measures designed to assist in the fight against domestic violence.

I would first of all like to extend my compliments to Senator BROWNBACK, Congressman SMITH, Senator WELLSTONE, Senator HELMS, Senator HATCH, and others, including their staff, who worked so hard on the trafficking portion of this legislation. The problem of international sex trafficking that they have tackled is a particularly ugly one, and I commend them for all the work they have invested in devising effective means to address it.

I would like to concentrate my own remarks on the second half of this legislation, the Violence Against Women Act of 2000. I was proud to be an original cosponsor of the Senate version of this bill, and I am very pleased to see that the efforts of everyone involved are about to become law.

The 1994 Violence Against Women Act has been crucial in reducing violence perpetrated against women and families across America. VAWA 1994 increased resources for training and law enforcement, and bolstered prosecution of child abuse, sexual assault, and domestic violence cases. States have changed the way they treat crimes of violence against women; 24 States and the District of Columbia now mandate arrest for most domestic violence offenses.

States have also relieved women of some of the costs associated with violence against them. For example, as a result of VAWA, all have some provision for covering the cost of a forensic rape exam. Most notably, VAWA 1994 provided much-needed support for shelters and crisis centers, funded rape prevention and education, and created a National Domestic Violence Hotline.

Nevertheless, much remains to be done. In Michigan alone, in 1998 we had more than 47,000 incidents of domestic violence, including 46 homicides. About 85 percent of the victims of those incidents were women. We must continue to do what we can to deter and prevent this kind of violence, and to make services available to its victims.

The legislation before us today continues the important work begun in 1994 by reauthorizing these important programs. And make no mistake about it, we must do so if we are to continue with the progress we have made.

In Michigan, for example, despite our much heightened awareness of the devastating impact of sexual abuse, in many communities VAWA grants are the only source of funding for services for rape victims. I am told that this is true nationally as well. Forty-five shelters serving 83 counties receive funding from VAWA grants. Reauthorizing VAWA is critical so as to provide the assurance of continued congressional commitment needed to ensure that these services do not dry up.

That is why I am so delighted that this conference report is about to be enacted into law. I would especially like to note how pleased I am with the results the conference reached on a couple of particular provisions.

First, I would like to discuss the funding the bill provides for rape education, services to victims, and prevention. This critical funding is used for, among other things, helping survivors of rape and sexual assault come to terms with what has happened to them so that they are able to get on with their lives and also assist in the prosecution of the perpetrators of these crimes. It is also used to educate investigators and medical personnel on the best protocols to use to collect evidence in these cases.

I would like to give a few examples of instances of how this is working in Michigan. A 21-year-old single woman was raped. She became pregnant as a result of the rape. She decided that she wanted to carry the baby to term. She had to deal with her own very complex emotions about her pregnancy, her changed relationship with her boyfriend, and the enormous difficulties of raising a child as a single parent. The VAWA money for rape services funded the counseling to help her with this overwhelmingly difficult set of decisions and circumstances.

VAWA rape money also funded services for a 63-year-old woman who was sexually assaulted. With that help, she was able to come to terms with what had happened, and testify against the rapist.

To give just one more example: VAWA rape money is being used right

now to fund a new sexual assault nurse examining program. This program provides a sympathetic and expert place for survivors to go after they have been assaulted where they will be treated with respect and understanding and where the evidence will be collected correctly.

The reason I have come to know so much about this particular aspect of VAWA is that when my wife Jane met with the Michigan Coalition Against Domestic and Sexual Violence in Oakland County on June 30 of this year, its director, Mary Keefe, indicated to her that while she was generally very pleased with the reauthorization legislation we were working on here in the Senate, the $50 million we were proposing for this particular aspect of VAWA, the rape education and prevention component, just wasn't enough. She indicated her hope that we would be able to raise that to the $80 million figure in the House bill. Jane passed that along to me, and once I understood how this money was used and was able to explain how important it was, with Senator HATCH's and Senator BIDEN's assistance, the Senate proposal was increased to $60 million.

I continued to follow this matter as the bill was progressing through conference. Yesterday I was delighted to be able to tell my staff to let Ms. Keefe know that the conference bill accommodates her request fully, and authorizes $80 million in funding for these grants for the next 5 years. One important purpose for which I am sure some of these funds will be used is educating our kids about relatively less well known drugs like GHB, the date rape drug that claimed the life of one of my constituents and was the subject of legislation I worked on earlier this Congress.

Second, I am pleased that the conference report contains the new Federal law against cyberstalking that I introduced a few months ago. As the Internet, with all its positives, has fast become an integral part of our personal and professional lives, it is regrettable but unsurprising that criminals are becoming adept at using the Internet as well.

Hence the relatively new crime of "cyberstalking," in which a person uses the Internet to engage in a course of conduct designed to terrorize another. Stalking someone in this way can be more attractive to the perpetrator than doing it in person, since cyberstalkers can take advantage of the ease of the Internet and their relative anonymity online to be even more brazen in their threatening behavior than they might be in person.

Some jurisdictions are doing an outstanding job in cracking down on this kind of conduct. For example, in my own State, Oakland County Sheriff Michael J. Bouchard and Oakland County Prosecutor Dave Gorcyca have developed very impressive knowledge and expertise about how to pursue cyberstalkers.

This legislation will not supplant their efforts. It will, however, address cases that it is difficult for a single State to pursue on its own, those where the criminal is stalking a victim in another State. In such cases, where the criminal is deliberately using the means of interstate commerce to place his or her victim in reasonable fear of serious bodily injury, my bill will allow the Federal Government to prosecute that person.

The existence of a Federal law in this area should also help encourage local authorities who do not know where to start when confronted with a cyberstalking allegation to turn to Federal authorities for advice and assistance. There is little worse than the feeling of helplessness a person can get if he or she is being terrorized and just cannot get help from the police. Much of VAWA 2000 is aimed at helping the authorities that person turns to respond more effectively. That is a central function of the cyberstalking provisions as well.

. Finally, I am very pleased that the conference report includes the core provisions from the Senate bill that I developed along with Senator KENNEDY, Senator HATCH, and Senator BIDEN to address ways in which our immigration laws remain susceptible of misuse by abusive spouses as a tool to blackmail and control the abuse victim.

This potential arises out of the derivative nature of the immigration status of a noncitizen or lawful permanent resident spouse's immigration status. Generally speaking, that spouse's right to be in the U.S. derives from the citizen or lawful permanent resident spouse's right to file immigration papers seeking to have the immigration member of the couple be granted lawful permanent residency.

In the vast majority of cases, granting that right to the citizen or lawful permanent resident spouse makes sense. After all, the purpose of family immigration is to allow U.S. citizens or lawful permanent residents to live here with their spouses and children. But in the unusual case of the abusive relationship, an abusive citizen or lawful permanent resident can use control over his or her spouse's visa as a means to blackmail and control the spouse. The abusive spouse can do this by withholding a promised visa petition and then threatening to turn the abused spouse in to the immigration authorities if the abused spouse sought to leave the abuser or report the abuse.

VAWA 1994 changed this by allowing immigrants who demonstrate that they have been battered or subject to extreme cruelty by their U.S. citizen or lawful permanent resident spouses to file their own petitions for visas without the cooperation of their abusive spouse.

VAWA 1994 also allowed abused spouses placed in removal proceedings to seek "cancellation of removal," a form of discretionary relief from removal available to individuals in unlawful immigration status with strong equities, after three years rather than the seven ordinarily required. Finally, VAWA 1994 granted similar rights to minor children abused by their citizen or lawful permanent resident parent, whose immigration status, like that of the abused spouse, would otherwise be dependent on the abusive parent.

The conference report follows the Senate VAWA reauthorization bill in building on the important work of VAWA 1994 in these areas. I will not describe all of the provisions of title V of division B of this bill, but I will discuss one of them, which I believe is the most important one.

In this bill, we establish procedures under which a battered immigrant can take all the steps he or she needs to take to become a lawful permanent resident without leaving this country. Right now, no such mechanism is available to a battered immigrant, who can begin the process here but must return to his or her home country to complete it.

VAWA 1994 created a mechanism for the immigrant to take the first step, the filing of an application to be classified as a battered immigrant spouse or child. But it did not create a mechanism for him or her to obtain the necessary papers to get lawful permanent residency while staying in the U.S. That is because at the time it was enacted, there was a general mechanism available to many to adjust here, which has since been eliminated. As a result, under current law, the battered immigrant has to go back to his or her home country, get a visa, and return here in order to adjust status.

That is not true of spouses whose citizens or lawful permanent resident husband or wife is filing immigration papers for them. They do have a mechanism for completing the whole process here. Section 1503 of this bill gives the abused spouse that same right.

The importance of such a provision is demonstrated, for example, by the case of a battered immigrant whose real name I will not use, but whom I will instead call Yaa. I use her as an example because her case arose in my own State of Michigan.

Yaa is a 38-year-old mother of two from Nigeria. She met her husband, whom I will call Martin, while he was visiting family members in Nigeria. After a long courtship, Martin persuaded Yaa to marry him and join him in the United States. He told her he would help her further her education and file the necessary papers to enable her to become a lawful permanent resident.

Following their marriage, Martin assisted Yaa in obtaining a visitor's visa. When she arrived in the United States, however, he did not follow through on any of his promises. He refused to support her going to school, and indeed would not let her leave the house for fear that other men might find her attractive and steal her away. He also refused to file immigration papers for her

and threatened her with deportation if she ever disobeyed his orders.

After the birth of their first child, Martin began physically abusing Yaa. He slapped her if she questioned his authority or asked about her immigration status. He spat on her if she refused to have sex with him. He used a hidden recording device to tape all of her phone conversations. As a result, she came to feel that she was a prisoner in her own home.

On one occasion, Martin beat Yaa with his fists and a bottle of alcohol. Yaa suffered severe facial injuries and had to be rushed to a hospital by ambulance for treatment. This incident resulted in Martin's arrest and prosecution for domestic violence. Martin retaliated by refusing to pay the mortgage, buy food, or other necessities. At that point, with the help of her best friend, Yaa moved out, found a job, and filed a self-petition under VAWA. INS approved her self-petition, and Yaa has obtained a restraining order against Martin.

Unfortunately, she still has to go to Nigeria to obtain a visa in order to complete the process of becoming a lawful permanent resident. And this is a major problem. Martin's family in Nigeria blames her for Martin's conviction. They have called her from there and threatened to have her deported because she "brought shame" to the family. They also know where she lives in Nigeria and they have threatened to hurt her and kidnap the children if she comes back. She has no one in the U.S. to leave the children with if she were to return alone. She is also frightened of what Martin's family will do to her if she sets foot in Nigeria.

Yaa should be allowed to complete the process of becoming a lawful permanent resident here in the United States, without facing these risks. Our legislation will give her the means to do so.

Of all the victims of domestic abuse, the immigrant dependent on an abusive spouse for her right to be in this country faces some of the most severe problems. In addition to the ordinary difficulties that confront anyone trying to deal with an abusive relationship, the battered immigrant also is afraid that if she goes to the authorities, she risks deportation at the instance of her abusive spouse, and either having her children deported too or being separated from them and unable to protect them.

We in Congress who write the immigration laws have a responsibility to do what we can to make sure they are not misused in this fashion. That is why I am so pleased that the final version of this legislation includes this and other important provisions.

I would like to extend special thanks to Senator KENNEDY and his staff, especially Esther Olavarria, who has worked tirelessly on this portion of the bill; to Senator HATCH and his staff, especially Sharon Prost, whose assistance in crafting these provisions and willingness to invest time, effort and capital in making the case for them has been indispensable; to Senator BIDEN and his staff, especially Bonnie Robin-Vergeer, whose commitment to these provisions has likewise been vital; to House Judiciary Committee Chairman HYDE and House Crime Subcommittee Chairman BILL MCCOLLUM, for their support at key moments; to the indefatigable Leslye Orloff of the NOW Legal Defense Fund, whose ability to come up with the "one more thing" desperately needed by battered immigrants is matched only by her good humor and professionalism in recognizing that the time for compromise has come; and to the sponsors of H.R. 3244 and S. 2449, for allowing their bill to become the vehicle for this important legislation.

I would also like to thank all of the organizations in Michigan that have been working so hard to help in the fight against domestic and sexual violence. I would like to extend particular thanks to a couple of the people there who have been particularly helpful to me, to my wife Jane, and to members of my office as we have been learning about these issues: to Mary Keefe of the Michigan Coalition Against Domestic and Sexual Violence, whom I mentioned earlier; to Hedy Nuriel and Deborah Danton of Haven; to Shirley Pascale of the Council Against Domestic Assault; to Deborah Patterson of Turning Point, and to Valerie Hoffman of the Underground Railroad.

I yield the floor.

Mr. DURBIN. Mr. President, with the passage of the Violence Against Women Act in 1994, the Federal Government for the first time adopted a comprehensive approach to combating violence against women. This bill included tough new criminal penalties and also created new grant programs to help both women and children who are victims of family violence.

Since that time, violence against women has significantly decreased. But in spite of these improvements, far more needs to be done.

Every 20 seconds a woman is raped and/or physically assaulted by an intimate partner and nearly one-third of women murdered each year are killed by a husband or boyfriend.

Domestic violence still remains the leading cause of injury to women ages 15 to 44 and sadly, there are children under the age of twelve in approximately four out of ten houses that experience domestic violence.

Many victims of domestic violence are not recognized and therefore do not get the help that they need.

I am happy to report that the conference report includes several provisions that I authored with Senator COLLINS to assist both older and disabled women who are the victims of domestic violence. Those provisions were part of S. 1987, the Older and Disabled Women's Protection from Violence Act.

Unfortunately for some, domestic violence is a life long experience. Those who perpetrate violence against their family members do not stop because the family member grows older. Neither do they stop because the family member is disabled. To the contrary, several studies show that the disabled suffer prolonged abuse compared to non-disabled domestic violence victims. Violence is too often perpetrated on those who are most vulnerable.

In some cases, the abuse may become severe as the victim ages or as disability increases and the victim becomes more isolated from the community with their removal from the workforce. Other age-related factors such as increased frailty may increase a victim's vulnerability.

It also is true that older and disabled victims' ability to report abuse is frequently confounded by their reliance on their abuser for care or housing.

Every 7 minutes in Illinois, there is an incidence of elder abuse.

Several research studies have shown that elder abuse is the most under reported familial crime. It is even more under reported than child abuse with only between one in eight and one in fourteen incidents estimated to be reported.

National and State specific statistics are not available for domestic abuse against disabled individuals. However, several studies of specific areas indicate that abuse is of longer duration for women with disabilities compared to women without a disability. Canadian studies over the last decade indicate that the incidence in that country at least of battery for women with disabilities was 1.5 times higher than for women without a disability. 3 other independent studies indicated that "Regardless of age, race, ethnicity, sexual orientation or class, women with disabilities are assaulted, raped and abused at a rate of more than two times greater than non-disabled women" Sobsey 1994, Cusitar 1994, Dis-Abled Women's Network 1988.

Older and disabled individuals who experience abuse worry they will be banished to a nursing home or institutions if they report abuse.

Many older women were raised to believe that family business is a private matter. Problems within families were not to be discussed with anyone, especially strangers or counselors.

They also must struggle with the ethical dilemma of reporting abuse by their children to the authorities and thus increasing their child's likelihood of going to jail. Shame and fear gag them so that they remain "silent victims."

Disabled women also wrestle with the fear that they may lose their children in a custody case if they report abuse.

This bill includes modifications of the STOP law enforcement state grants program and the ProArrest grants program to increase their sensitivity to the needs of older and disabled women. These programs provide funding for services and training for officers and prosecutors for dealing with domestic

violence. This training needs to be sensitive to the needs of all victims, young and old, disabled and non-disabled. The images portrayed in the media of the victims of domestic violence generally depict a young woman, with small children. Consequently, many people including law enforcement officers may not readily identify older or disabled victims as suffering domestic abuse.

Only a handful of domestic abuse programs throughout the country are reaching out to older and disabled women and law enforcement rarely receive training in identifying victims who are either older or disabled.

The bill also sets up a new training program for law enforcement, prosecutors and others to appropriately identify, screen and refer older and disabled women who are the victims of domestic violence.

Improvement in this program can be made with respect to identifying abuse among all age groups especially seniors who are often overlooked. When the abuser is old, there may be a reticence on the part of law enforcement to deal with this person in the same way that they might deal with a younger person. Who wants to send an "old guy" to jail? However, lack of action jeopardizes the victim further because then the abuser has every reason to believe that there are no consequences for their actions. Another common problem is differentiating between injuries related to abuse and injuries arising from aging, frailty or illness. Too many older or disabled women's broken bones have been attributed to disorientation, osteoporosis, or other age-related vulnerabilities without any questions being asked to make sure that they are not the result of abuse.

With the graying of America, the problems of elder domestic abuse in all its many ugly manifestations, is likely to grow. I believe that we need to take a comprehensive look at our existing family violence programs and ensure that these programs serve seniors and are sensitive and knowledgeable of elder domestic abuse.

In addition, the disabled's injuries may be falsely attributed to their disability and the bill authorizes a new program for education and training for the needs of disabled victims of domestic violence.

I thank Chairman HATCH and Senator BIDEN for working with me to include these provisions that should help to ensure that Federal Anti-Family Violence Programs are indeed available for all victims whether young or old, or whether able-bodied or a woman with a disability.

In just the past year, the Supreme Court offered an important ruling on the Violence Against Women Act. The decision was certainly not one that I would have hoped for.

In the case of U.S. v. Morrison, the Supreme Court struck down a provision of the Violence Against Women Act that gave victims of rape and domestic violence the right to sue their attackers in federal court. Congress passed this law to give women an additional means of pursuing justice when they are the victims of assault. We passed this law because the States themselves did not always adequately pursue rapists and assailants. And the States acknowledged this.

Thirty-six States had entered this suit on behalf of the woman who had been victimized. They wanted victims of violence against women to retain the right to bring their attackers to court. But the Supreme Court, in a narrow vote, decided otherwise. The vote: five to four.

This action by the Senate reauthorizing the Violence Against Women Act will overcome that court decision.

Mr. ASHCROFT. Mr. President, I would like to offer my strong support for the conference report on H.R. 3244, a bill that will strengthen our laws in order to protect women, children and all victims of domestic violence. The conference report that we will vote on today includes several sections, each of which provides additional protections for vulnerable members of society.

First, the bill contains the Trafficking Victims Protection Act, legislation that has been the passion of the Senator from Kansas, Mr. BROWNBACK, and the Senator from Minnesota, Mr. WELLSTONE. This legislation will combat sexual trafficking of women and children—the deepest violation of human dignity and an unspeakable tragedy. Second, the conference report contains a bill that we have heard a lot about in the last several weeks—the reauthorization of the Violence Against Women Act—to provide funding for programs to combat domestic violence and assist victims of domestic violence—both male and female. The original Violence Against Women Act authorization expired on October 1, 2000, and I am pleased to be a cosponsor of the reauthorization bill sponsored by Senators HATCH and BIDEN (S. 2787). The third main section of the bill contains anti-crime measures including provisions to encourage States to incarcerate, for long prison terms, individuals convicted of murder, rape, and dangerous sexual offenses. Together, these provisions form a comprehensive approach to fighting abuse against the most vulnerable members of society.

It is tragic that as we stand on the brink of the 21st Century the world is still haunted by the practice of international trafficking of women and children for sex, forced labor and for other purposes that violate basic human rights. The frequency of these practices is frightening. For example, an estimated 10,000 women from the former Soviet Union have been forced into prostitution in Israel; two million children are forced into prostitution every year, half of them in Asia; and more than 50,000 women are trafficked into the United States every year. Unfortunately, existing laws in the United States and other countries are inadequate to deter trafficking, primarily because they do not reflect the gravity of the offenses involved. Where countries do have laws against sexual trafficking, there is too often no enforcement. For example, in 1995, the Netherlands prosecuted 155 cases of forced prostitution, and only four resulted in the conviction of the traffickers. In some countries, enforcement against traffickers is hindered by indifference, corruption, and even official participation.

The conference report before us seeks to improve the lives of women and children around the world by providing severe punishment for persons convicted of operating trafficking enterprises within the United States and the possibility of severe economic penalties against traffickers located in other countries. In addition, it provides assistance and protection for victims, including authorization of grants to shelters and rehabilitation programs, and a limited provision for relief from deportation for victims who would face retribution or other hardships if deported. The bill also creates an Interagency Task Force to monitor and combat trafficking, in order to facilitate and evaluate progress in trafficking prevention, victim assistance, and the prosecution of traffickers. I would like to thank the Senator from Kansas for his tireless work on this issue, and am pleased to support this legislation.

The second main section of this conference report, the Violence Against Women Act (VAWA) of 2000, reauthorizes the Violence Against Women Act through Fiscal Year 2005. VAWA contains a number of grant programs, including the STOP grants, Pro-Arrest grants, Rural Domestic Violence and Child Abuse Enforcement grants, the National Domestic Violence Hotline, and three programs for victims of child abuse, including the court-appointed special advocate program (CASA). In addition, there are targeted improvements to the original language that have been made, such as providing funding for transitional housing assistance, expanding several of the key grant programs to cover violence that arises in dating relationships, and authorizing grants for legal assistance for victims of domestic violence, stalking, and sexual assault.

There is another issue that has been raised recently and that is the eligibility of men to receive benefits and services under the original Violence Against Women Act and under this bill. It was the original intent of this legislation to direct federal funds toward the most pressing problem—that of domestic violence against women, and violence against women in particular, since the statistics show that the majority of domestic violence is perpetrated against women. But although women are more often victims of such violence than men, it does not mean that men are never victims, or that the problems of domestic violence when men are victims should be ignored. It was not, and is not, the intent of Congress to exclude men who have suffered

domestic abuse or sexual assaults from receiving benefits and services under the Violence Against Women Act. Maybe the bill should be renamed the "Stop Domestic Violence Act" in order to more accurately reflect the purposes of this bill. The Act defines such key terms as "domestic violence" and "sexual assault," which are used to determine eligibility under several of the grant programs, in gender-neutral language. Men who have suffered these types of violent attacks are eligible under current law to apply for services and benefits that are funded under the original Act—and they will remain eligible under the Violence Against Women Act of 2000—whether it be for shelter space under the Family Violence Protection and Services Act, or counseling by the National Domestic Violence Hotline, or legal assistance in obtaining a protection order under the Legal Assistance for Victims program. I am pleased that this clarification was added to this bill.

I am committed to confronting domestic violence because I believe that all forms of violence and crime destroy lives, hopes, and opportunities. All citizens should be safe from violence at home, in their neighborhoods and at schools. Protecting public safety is a fundamental duty of government, and we must make it clear to criminals that if they commit crime and violence, they will be punished swiftly and severely.

Domestic violence has been a problem in the State of Missouri. In 1999, according to data from the Highway Patrol Criminal Records Division, there were 754 incidents for every 100,000 Missourians. This number is too high, despite the fact that it has been falling from a high of 815/100,000 in 1997. The early nineties saw a disturbing rise in domestic violence reports, from 657 per 100,000 Missourians in 1993 to the high in 1997.

I have worked aggressively in the past, while in service to the state of Missouri, to confront domestic violence. As Governor, I established a special Task Force on Domestic Violence. This task force conducted a comprehensive review of domestic violence in Missouri and researched the efficiency of various programs and services for victims of abuse. Additionally, I supported the Adult Abuse Act of 1989, which provided new protection against domestic violence as well as new services for victims.

October is National Domestic Violence Awareness Month. I would like to enter into the RECORD an article by Doctor Hank Clever, a well-known pediatrician in St. Charles, Missouri. This article appeared in The St. Charles County Post, on October 2, 2000. Dr. Clever outlines the severity of the problem of domestic violence and provides a checklist of behaviors that may help one distinguish if you or someone you know is being abused.

The conference report we are voting on today provides real tools to combat violence against women and children, here in the United States and around the world, as well as new resources to curb domestic violence of all types. I support this conference report and thank Senator BROWNBACK for his leadership in the fight against sex-trafficking, Senators HATCH and BIDEN for their work in the reauthorization of the Violence Against Women Act, and the other members of the Conference Committee for their success in fashioning such strong legislation.

There being no objections, this article was ordered to be printed in the RECORD, as follows.

[From the St. Charles County (MO) Post, Oct. 2, 2000]

DOMESTIC VIOLENCE, IN ALL FORMS, IS THE LEADING CAUSE OF INJURY FOR WOMEN AGES 15–44

(By Dr. Hank Clever)

Hank Clever is a well-known pediatrician in St. Charles. Since retiring from private practice in 1998, Dr. Clever has continued to speak to community groups and organizations about a variety of health-related topics. The Doctor Is In column runs each Monday in the St. Charles County Post. Send questions for Dr. Clever to the Doctor Is In, c/o Public Relations Department, St. Joseph Health Center, 300 First Capitol Drive, St. Charles, Mo. 63301.

October is National Domestic Violence Awareness Month. Before you think, "Oh, that doesn't affect me," think again. Domestic violence affects everyone in the community—abuser, victim, children, family, employers, co-workers and friends. The U.S. surgeon general says domestic violence is the leading cause of injury to women ages 15–44. Domestic violence is more common than rapes, muggings and auto accidents combined.

Domestic violence isn't limited by socioeconomic status, race, ethnicity, age, education, employment status, physical ability or marital status. And, although some men are abused by women, the majority of domestic violence victims are female, making domestic violence one of the most serious public health issues facing women today.

Cathy Blair is with the AWARE program. AWARE stands for Assisting Women with Advocacy, Resources and Education. She is working with the staff at SSM St. Joseph Health Center, SSM St. Joseph Hospital West and the Catholic Community Services of St. Charles County to present a program called "Strengthening Our Response: The Role of Health Care Provider in Ending Domestic Violence" on Thursday, Oct. 12, at St. Joseph Health Center.

"Health care providers are often on the front lines to recognize abuse. Their response to the victim and the abuser can be crucial to proper treatment not only of the immediate trauma, but also long-term problem of abuse," Blair told me.

When most people think of domestic violence, they think of battered women. However, domestic violence can take many forms, including psychological abuse, emotional abuse, economic abuse, sexual abuse and even legal abuse when a women tries to leave an unhealthy relationship.

"Recognizing what behaviors are part of domestic violence is not always easy, even for victims themselves," Blair said. "This is in part because domestic violence is much more than physical abuse."

Blair offers the following checklist of behaviors that may help you distinguish if you or someone you know is being abused:

Does your partner use emotional and psychological control—call you names, yell, put you down, constantly criticize or undermine you and your abilities, behave in an overprotective way, become extremely jealous, make it difficult for you to see family or friends, bad-mouth you to family and friends, prevent you from going where you want to, or humiliate and embarrass you in front of other people?

Does your partner use economic control—deny you access to family assets such as bank accounts, credit cards or car, control all the finances, make you account for what you spend, or take your money, prevent you from getting or keeping a job or from going to school, limit your access to health, prescription or dental insurance?

Does your partner make threats—make you afraid by using looks, actions or gestures, threaten to report you to the authorities for something you didn't do, threaten to harm or kidnap the children, display weapons as a way of making you afraid, use his anger as a threat to get what he wants?

Does your partner commit acts of physical violence—carry out threats to you, your children, pets, family members, friends, or himself, destroy personal property or throw things around, grab, push, hit, punch, slap, kick, choke, or bite you, force you to have sex when you don't want to, engage in sexual acts that you don't want to do, prevent you from taking medications or getting medical care, deny you access to foods, fluids or sleep?

If any of these things are happening in your relationship, Blair wants you to know that you are not alone and you have a right to be safe. "Millions of women are abused by their partners every year," she said. "For free, safe and confidential services, call AWARE at 314–362–9273."

In addition to AWARE, many other domestic violence resources, including shelters, support services and legal services are available. The AWARE staff will be happy to give you that information.

Physicians, nurses, social workers, risk managers, students and Allied Health professionals who would like to learn more about domestic violence and the important role they can play in identifying and stopping it, should plan to attend the program. The conference is free and includes complimentary parking and lunch, but registration in required. Call 636–947–5621 for more information and to register.

Mr. BINGAMAN. Mr. President, today I rise to support the passage of H.R. 3244, a bill to reauthorize the Violence Against Women Act, VAWA. In 1994, when I voted in favor of the Violence Against Women Act I supported the purposes of the legislation and I believed the grants authorized in VAWA would provide the resources needed by New Mexico organizations, local governments and tribal governments to

tackle the growing problem of domestic violence. Now it is six years later and I am pleased to report that I have witnessed first-hand the many benefits of VAWA to New Mexico. I now realize how important VAWA was to New Mexico and I fully appreciate the strides New Mexico was able to make as a result of this legislation. Women and families in New Mexico have benefitted tremendously from VAWA and I rise today to lend my support to passage of VAWA II.

In New Mexico, we now have several organizations that are devoted to stopping violence against women. One example is the PeaceKeepers Domestic Violence Program based at San Juan Pueblo, New Mexico. PeaceKeepers is a domestic violence program that serves individuals that reside within the Eight Northern Pueblos which include the pueblos of Nambe, Picuris, Pojoaque, San Ildefonso, San Juan, Santa Clara, Tesuque and Taos. Peacekeepers is a consortium of individuals and is comprised of social workers, counselors, victims advocates, a civil attorney and a prosecutor. Because of VAWA grants, PeaceKeepers has been able to implement a comprehensive approach to address domestic violence in Indian Country.

The social workers and counselors provide counseling to victims, batterers and children of victims. Approximately twenty men have completed the 24 week batterers therapy program and are working to improve their lives and the lives of their families. The victims advocates provide support in court, assist with obtaining and enforcing protection orders and aid victims with legal matters and basic housing needs. The prosecutor on the Peacekeepers panel is made possible because of a VAWA Rural Victimization grant.

PeaceKeepers also provides training for tribal courts, law enforcement and tribal government personnel on domestic violence issues. The civil attorney also assists victims with legal assistance on matters such as child support, custody issues and protection orders. Safety for victims and accountability for offenders is the primary goal of PeaceKeepers. In the end, PeaceKeepers is about providing information, options and advocacy to victims of domestic violence.

When VAWA passed in 1994, the States and local organizations were finally provided with the resources they needed to implement programs to respond to the problem of violence against women. I am told repeatedly by sheriffs in counties throughout New Mexico that their urgent calls are usually the result of a domestic violence situation occurring. While VAWA has not stopped domestic violence from occuring, it has provided law enforcement agencies and courts with the training and resources they need to respond to domestic violence cases. Most importantly, VAWA has provided States and local organizations with the resources to begin tackling the underlying problems of domestic violence and given them resources to develop innovative methods to start breaking the cycle of violence in our communities.

Another organization in New Mexico that I am proud to support is the Esperanza Domestic Violence Shelter in northern New Mexico. I became acquainted with Esperanza a few years ago when they approached me because they were having trouble meeting the needs of their community. Esperanza operates in four counties and in 1998, Esperanza helped more than 2,000 people, including 1,100 victims of domestic violence, 510 children and teens and 424 abusers. As the name indicates, Esperanza offers women and families hope. Hope that they can live in a safe home, hope that they can survive outside of an abusive relationship and hope that they can offer a better life for their children. Esperanza has provided the supportive services needed for victims that reside in the extensive rural areas of New Mexico—victims who were often overlooked before VAWA.

I am very disappointed that it has taken so long for the Senate to take up and reauthorize VAWA. Last year when the reauthorization bill was introduced by Senator BIDEN, I agreed to cosponsor the legislation because I understand the importance of VAWA to New Mexico. Since 1994, New Mexico agencies have received over $17 million in VAWA grants. These VAWA grants have reached all four corners of my state and they have impacted the lives of thousands of New Mexicans.

One of the benefits of VAWA is that it authorized grants to address a variety of problems associated with violence against women. In 1999, Northern New Mexico Legal Services, Inc. received $318,500 under the Civil Legal Assistance grant program. In 1998, the City of Albuquerque received $482,168 under the Grants to Encourage Arrest Policies grant program. And between 1996 and this year, 20 New Mexico organizations received grants under the Rural Domestic Violence and Child Abuse grant program—20 grants totaling over $6.5 million.

In addition, Indian tribes in New Mexico have benefitted significantly from the passage of VAWA. So far, nine tribal governments and tribal-related organizations received nearly $2 million in grants under the Violence Against Women Discretionary Grants for Indian Programs. I am pleased to see that the pueblos of Acoma, Jemez, Laguna, San Felipe, Santa Ana and Zuni have been proactive and sought out these VAWA grants to make their pueblos a safer place for women and a better place for families. The State of New Mexico has also benefitted enormously from VAWA. Since 1995, the New Mexico Crime Victims Reparations Commission has been awarded over $6 million in VAWA funds.

Unless VAWA is reauthorized, domestic violence shelters in New Mexico will be closed, rape crisis centers will be shut down and thousands of victims of violence will be left without the options they have been provided under VAWA. This isn't speculation. I have received calls from police chiefs, shelter directors, church leaders, and other citizens who have told me that they will have to shut down their programs unless VAWA is reauthorized. Moreover, many prosecutors in New Mexico will lose the resources they have utilized to prosecute crimes against women. Because of the objections to bringing up VAWA for debate in the Senate, the original VAWA was allowed to expire on September 30th. That should not have happened. The House of Representatives voted overwhelmingly in favor of reauthorizing VAWA by a vote of 415–3 before VAWA expired. We need to reauthorize the Violence Against Women Act and we need to do it now.

While violence in the United States has fallen dramatically over the past 6 years, the Bureau of Justice Statistics reports that almost one-third of women murdered each year are killed by a husband or boyfriend. I believe the drop in crime we have experienced over the past 6 years is partly attributable to the passage of VAWA and the resources it made available to combat violence against women. We should not turn back the clock and go back to the level of violence we experienced in 1993. We should not go back to the days when people did not discuss domestic violence and women in abusive relationships lacked options for them and their children.

I commend Senator LEAHY and Senator BIDEN for their work on VAWA and their commitment to stopping domestic violence in this country. The amendments to VAWA will take the program further and expand the number of people benefitting from VAWA grants. I am pleased that the amount available for use by Indian tribal governments under the STOP grants was increased from 4 percent to 5 percent. In addition, 5 percent of the $40 million Rural Domestic Violence and Child Abuse Enforcement grants will be set aside for use by Indian tribal governments in the new bill.

I am also pleased to see that institutions of higher education will be provided with resources to address violence on college campuses. Schools will now be able to utilize $30 million in VAWA grants to install lighting and other deterrent measures to enhance the security of their campuses.

I also support the addition of transitional housing assistance to the VAWA. Many individuals who stay in abusive relationships often do so because they are financially dependent on their abuser. Transitional housing assistance will provide these victims and their families with temporary housing while they regain their financial independence.

The battered immigrant women provision is also important to many New

Mexico residents. No longer will battered immigrant women and children be faced with deportation for reporting an abuser on whom they may be dependent on for an immigration benefit. No person residing in the United States should be immune from prosecution for committing a violent crime because of a loophole in an immigration law.

Mr. President, VAWA is worthy legislation that is good for New Mexico and women and families across the country. VAWA should be reauthorized and passed in the form proposed today.

Mr. JEFFORDS. Mr. President, I rise today to enthusiastically support this conference report which contains the important reauthorization of the Violence Against Women Act (VAWA).

Over five years ago, Congress recognized the need for the Federal Government to take action and help combat domestic violence by passing VAWA. I was proud to be a cosponsor of that important legislation and have been pleased with the positive impact it has had in Vermont and around the United States.

The Vermont Network Against Domestic Violence and Sexual Assault has been a leader in creating innovative and effective programs toward our goal of eliminating domestic violence. Vermont has used funding under VAWA to provide shelter to battered women and their children and "wrap-around" services for these victimized families. Through VAWA, Vermont has also been able to help victims access legal assistance in the form of trained attorneys and advocacy services. In addition to fully utilizing funding available to train and educate law enforcement and court personnel, I am proud to say that Vermont is a national leader in the education and training of health care, welfare and family service workers who are likely to come in contact with victims of domestic violence.

While we have made advances in combating domestic violence in Vermont and all around the United States by programs funded through VAWA, there is still more work to be done. Every nine seconds across the country an individual falls victim to domestic violence. Recently, this statistic was brought home when churches and town halls in Vermont rang their bells in recognition and to raise awareness of this tragic violence that impacts so many lives. We must continue and strengthen our focus on this important issue.

I was proud to be an original cosponsor of this reauthorization when it was introduced this June, and feel that this legislation made many important improvements and additions to the programs and funding of VAWA while ensuring the maintenance of its core focus of combating domestic violence. Some important provisions of this legislation to Vermont include:

Reauthorization of current domestic violence programs through the Department of Health and Human Services and increasing funding for these programs so they can provide more shelter space to accommodate more people in need;

Extension of the discretionary grant program which mandates and encourages police officers to arrest abusers;

Creation of a five percent set aside towards State domestic violence coalitions;

Extension of state programs that deal with domestic violence in rural areas; and

Establishment of a new grant program to educate and train providers to better meet the needs of disabled victims of domestic violence.

In addition, I want to thank Senator HATCH and Senator BIDEN for including a reauthorization of the Family Violence Prevention and Services Act in the Violence Against Women Act. As the primary source of funding for local shelters, the Family Violence Prevention and Services Act is a vital cornerstone in the Federal response to domestic violence. This reauthorization ensures that this program can continue to grow with an increased authorization level. The Family Violence Prevention and Services Act is normally part of the Child Abuse Prevention and Treatment Act reauthorization process which is scheduled to be completed next year. As Chairman of the Committee on Health, Education, Labor and Pensions, I will be working with domestic violence organizations to see what, if any, changes need to be made in the Family Violence Prevention and Treatment Act to increase its capacity to serve the victims of family violence.

I am pleased with the fine work of Senators BIDEN and HATCH in crafting the original VAWA, and that these two Senators were able to further formulate a bipartisan, compromise version of this reauthorization which I was happy to cosponsor.

Since July, I have both written and talked to the Majority Leader calling for Senate consideration of this important legislation. While it was somewhat delayed, I am grateful that the Senate will be endorsing the reauthorization of VAWA today. While the reauthorization of VAWA is an important step, I remain committed to continuing to enact legislation to eliminate domestic violence in Vermont and all around the United States.

Mr. LEVIN. Mr. President, today the Senate is taking up and voting on the Trafficking Victims Protection Act Conference Report, which includes the reauthorization of the Violence Against Women Act. I commend the sponsors of the Trafficking Victims Protection Act. It is estimated that approximately 50,000 women and children are trafficked in the United States every year, many of whom are sexually exploited and forced into involuntary servitude. This bill will provide a comprehensive approach to prevent trafficking as well as ensure vigorous prosecution of those involved in this deplorable practice.

I am also pleased that this bill includes the Violence Against Women Act, VAWA, which has provided an unparalleled level of support for programs to end domestic and sexual violence. VAWA grants have made it possible for communities across the nation to provide shelter and counseling for hundreds of thousands of women and their children. Since 1995, more than $1.5 billion has been appropriated under VAWA's grant programs. Michigan has been awarded about $50 million in Federal grants under VAWA. Those grants provided invaluable resources to survivors of domestic and sexual violence in Michigan. For example, Rural grants have permitted 12 rural counties in Michigan to hire full time advocates for providing services to victims through outreach programs. VAWA Civil Legal Assistance Grants have allowed more than 5 Michigan communities to develop Civil Legal Assistance Programs, which provide quality legal assistance to hundreds of women and children. In addition, 35 Sexual Assault Services Programs and more than 20 Sexual Assault Prevention Programs have been created or strengthened in our state as a direct result of VAWA.

Furthermore, VAWA has been tremendously successful in the training of judges, court personnel, prosecutors, police and victims' advocates. Mary Keefe, Executive Director of the Michigan Coalition Against Domestic and Sexual Violence, explained in a letter to me that "with the heightened training of police, prosecutors, and other in the criminal justice field, many of these systems are now routinely referring the victims they encounter to domestic violence and rape crisis programs."

VAWA programs have been especially important to women in rural communities, where support networks had been limited due to distance. Here is just one case of such a victim—forwarded to me from the Michigan Coalition Against Domestic and Sexual Violence—whose life was possibly saved by a VAWA grant.

"Jamie" (not her real name) was referred to the Domestic Violence Program by the Prosecutor. Jamie had shared with the prosecutor that she was "afraid for life," and that she was afraid to participate in prosecution because of repercussions she may have to bear from her assailant. She soon fell out of contact with the prosecutor and the case against her assailant was on shaky ground.

The county prosecutor referred Jamie to the VAWA funded advocate. She came to the program in January, reluctant and fearful, but open to talking to the advocate. The advocate was able to provide two full days of intensive interaction with this survivor. Counseling her, preparing a safety plan for her and her children, telling her how the legal system works and preparing her for what she could expect each step of the way.

The advocate was actually able to pick Jamie up, drive her to court each time, sit by her, reassure her throughout the process, listen to her when she was angry and fearful, explain what was going on, and nurture her through the process of being a witness to this case.

The perpetrator was eventually convicted on several counts, and is serving time in the County jail.

mie has begun picking up the pieces of life and is hopefully on the road to safe-

Despite the successes of VAWA, almost 900,0000 women continue to be victims of domestic violence each year, making it the number one health risk for women between the ages of 15 and 44. This Violence Against Women Act reauthorization will build on the successes of VAWA by more than doubling the amount available for programs to support women and children subject to domestic abuse.

Although I support the underlying Trafficking Victims Protection Act, I am concerned about a provision in this bill referred to as Aimee's Law. When the Senator from Pennsylvania introduced this provision as an amendment to he juvenile justice bill, I was one of the few who voted against it. I understand the positive motive of those who support this provision and I agree that we should act to limit the number of tragedies that occur when persons convicted of serious offenses are paroled and then subsequently commit the same offense, but I do not support this unworkable procedure.

I remain concerned that this bill will federalize state criminal court systems. Currently, the crimes covered in this bill are defined differently in different states, which is appropriate since the 50 state court systems handle 95 percent of all criminal cases in this country. It is inappropriate to apply federal definitions and federal sentencing guidelines to criminal cases tried in state courts. I also remain concerned about how the penalties will be imposed since the average terms of imprisonment imposed by states are different than actual lengths of imprisonment and the cost of incarceration can not be known unless one can predict life expectancy.

On balance, I will vote for this Conference Report because I strongly support the Trafficking Victims Protection Act and Violence Against Women Act.

Ms. SNOWE. Mr. President, I rise today in support of the Violence Against Women Act of 2000, which is included in the conference report for the Trafficking Victims Protection Act (H.R. 3244). Current authorization for these programs expired at the end of September, and I believe that we must take immediate action to ensure that these programs are reauthorized before we go home. This bill has broad support on both sides of the aisle, with 73 cosponsors.

Domestic violence, no matter who commits it, is an extremely serious and tragically common crime that devastates families and takes a great toll on our society. Moreover, domestic violence often goes unreported, in large part because the incident is seen as a private and personal issue or because of the fear of a repeated attack by the assailant.

In my view, Congress must continue to address domestic violence in a comprehensive manner by providing resources for states and communities to disseminate education about domestic violence; provide counseling to the victim, the aggressor, and any children in the family; and ensure shelter to every person and child who needs to leave their home due to domestic violence. It is also important that health professionals are trained to identify and treat the medical conditions arising from domestic violence. This is a crime that we must put an end to and we must let those people who are suffering know there is help on the way.

Violence knows no gender barriers, but we must not turn a blind eye to the fact that women are especially likely to be vulnerable to danger and crime. The Violence Against Women Act is a critical tool in our fight to combat domestic violence across America. It is an absolutely essential bill for our mothers, our daughters, our sisters, relatives, friends, and co-workers.

One of the most important issues facing women today is the threat of violence. Three to four million American women are battered by their husbands or partners every single year. At least a third of all female emergency room patients are battered women. A third of all homeless women and children in the U.S. are fleeing domestic violence. At least 5,000 women are beaten to death each year. A woman in the United States is more likely to be assaulted, injured, raped, or killed by a male partner than by any other assailant. And women are six times more likely than men to be the victims of a violent crime.

This is more than just a nightmare for women. It is an America that millions of women and girls must wake up to each day. It is a grim reality millions of women and girls must enter each day of their lives just to go to work or attend school. It is real life America for millions of women and girls. And it is an unspeakable tragedy.

How many of us were shocked in June to read that women were attacked in New York City's Central Park in broad daylight following a parade? For days afterward we read headlines entitled "Defenseless in the Park" . . . "Six More Arrested in Sex Attacks in Park" . . . "Police Study Central Park Mob's 35-Minute Binge of Sexual Assault." The litany of tragedy and violence against the women assaulted that day in Central Park paints a full, stark and disheartening picture of a nation unable to protect a woman's safety.

One of the victims, Emma Sussman Starr, wrote the New York Times about her attack and about the prevalence of violence against women in America. She said: "Women learn early which streets are safe to walk on, when it's safe to be there and even how to walk (hands wrapped around keys, eyes straight ahead). We accept that we must pay for our safety in the form of cabs and doorman buildings in more expensive neighborhoods." What a sad statement.

The threat of violence is pervasive, and as Ms. Starr writes, it influences every decision a woman makes. Every time a woman changes her pattern of behavior—for example, when she walks home from work a different way—in order to avoid potential violence such as rape, stalking, domestic assault, she is ultimately making a decision about how to live her life.

The original Violence Against Women Act, enacted in 1994, was a landmark piece of legislation. For the first time, Congress took a comprehensive look at the problem of violence against women, created the programs, and funded the shelters to help women out of these violent situations. Since then, thousands of women across the country have been given the opportunity to free themselves from violence.

But the problem of violence against women has not been solved in these six years since the original bill was signed into law. We must continue to talk about ways in which we can guarantee women's safety, further secure women's rights, and strengthen our ability as a nation to protect those inalienable rights as guaranteed under the Constitution.

After all, how can we defend a woman's right to "life, liberty, and the pursuit of happiness" when we cannot as a nation protect women from "Rape, battery, and the onslaught of violence?"

The Violence Against Women Act of 2000 reauthorizes these fundamental programs. The bill provides funding for grants to prevent campus crimes against women; extends programs to prevent violence in rural areas; builds on the progress we have made in constructing shelters for women who are victims of violent crimes; and strengthens protections for older women from violence.

I believe that no matter whatever else Congress does for women—from enacting public policies and designing specific programs aimed to promote women's health, education, economic security, or safety, we must also ensure that women have equal protection under our country's law and in our constitution. Reauthorizing the Violence Against Women Act programs is an important step in this direction.

It isn't often that Congress can claim to enact a law that literally may mean life or death for a person. The Violence Against Women Act is such a law, and I urge my colleagues to join me in supporting this bill.

Mr. BIDEN. Mr. President, we will not have the opportunity to vote today on the merits of Aimee's Law, but instead, on a jurisdictional issue regarding whether the bill was properly included in the Sex Trafficking Conference Report. Because I believe the jurisdictional objection is unfounded and I am unwilling to jeopardize the passage of the other significant pieces of legislation included in the Conference Report—most importantly, the Biden-Hatch Violence Against Women

Act of 2000—I will vote against Senator THOMPSON's point of order.

I supported a similar version of Aimee's Law in the form of an amendment to the Juvenile Justice bill last year. Upon reflection, however, I believe that my support was misplaced. I am troubled by this legislation from both a practical and a constitutional perspective.

Aimee's Law requires the Attorney General, in any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, when that individual has a prior conviction for any one or more of those offenses in another State, to transfer federal law enforcement assistance funds that have been allocated to the first State in an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, to the second State. The bill contains a "safe harbor" exempting from this substantial penalty those States in which No. 1 the individual offender at issue has served 85 percent or more of his term of imprisonment, and No. 2 the average term of imprisonment imposed by the State for the prior offense at issue is at or above the average term of imprisonment imposed for that offense in all States.

As a practical matter, this bill can only promote a "race to the top," as States feel compelled to ratchet up their sentences—not necessarily because they view such a shift as desirable public policy—but in order to avoid losing crucial federal law enforcement funds. Ironically, those States that are apt to benefit most from federal law enforcement assistance may well be those with the poorest record of keeping dangerous offenders behind bars, the same States likely to lose these valuable crime-fighting funds. Nor can States readily assess where they stand relative to other States since they are always striving to hit a moving target and maintain sentences at or above an elusive average of all state sentences for various qualifying offenses.

The law also will spawn an administrative nightmare for the Attorney General, who is charged under the legislation with the responsibility of constantly tabulating and retabulating the average sentences across the nation for a host of different serious offenses, as well as with the responsibility of keeping track of which State's federal funds should be reallocated to which other States every time a released offender commits another qualifying crime. The law even requires the Attorney General to consult with the governors of those States with federal funds at risk to establish a payment schedule. It's no wonder that the nation's governors so strongly oppose this law.

As a constitutional matter, I have grave concerns about Aimee's Law's seeming disregard of basic principles of federalism. Congress's spending authority is undeniably broad. But I have serious reservations about the wisdom and constitutionality of a law that, instead of clearly conditioning a federal grant upon a State's performance of a specific and clearly stated task, penalizes a State for conduct that occurs after the fact and that is not entirely within the State's control—the offender's commission of another serious crime in another State. In this sense, Aimee's Law is far more onerous and far less respectful of fundamental principles of federal-state comity than a straightforward law conditioning federal spending upon the States' adoption of more stringent sentencing laws—the likely result of this legislation. In a climate in which the U.S. Supreme Court is quick to strike down Acts of Congress that, in the Court's view, infringe upon the States' prerogatives, Aimee's Law, I fear, presents an all too inviting target and needlessly risks creating bad precedent regarding the scope of Congress's spending authority.

It is my hope that Congress and the President will monitor the operation of this law and revisit it if necessary.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to thank the Senator from Tennessee for having the courage to speak out against this ill-advised legislation known as Aimee's law. I say he has courage because there is a lot of emotion involved in any debate concerning serious violent crime such as murder, rape, or other sexual offenses. Some have said it is dangerous to vote against, much less speak against, any crime bill that is named after a real person. That is certainly the case here in this incredibly tragic case that underlies this legislation.

I also know that anything goes in a conference, including adding provisions for political reasons that do not withstand even the most basic scrutiny of whether they will work or can even be understood by the people or the entities that are supposed to abide by them.

I am sorry to say that Aimee's law is bad law—perhaps well intentioned—but bad law. I will support the Thompson point of order in order to state my objection to this provision.

The young woman who inspired this bill was tragically raped and murdered in Pennsylvania. A shocking crime was committed against her, against her family, and, indeed against all of us. All of us in this body feel horrible about that crime and its consequences.

But that does not absolve us of the duty to analyze legislation that comes before us, even if it bears the name of a child who was tragically killed. This legislation violates important principles of federalism. It will handcuff our states in their fights against violent crime. And most important, it just won't work. It won't accomplish what its sponsor and supporters say they want to accomplish. So I support Senator THOMPSON's point of order and hope my colleagues will as well.

Before turning to the bill itself, let me again compliment the Senator from Tennessee. He has shown time and time again that his commitment to federalism is principled and real. He does not oppose federal intrusion into state affairs as a political tactic, as I fear so many of my colleagues do. He truly believes that our states deserve autonomy and is willing to stand up for them, even when it is politically unpopular, as it no doubt is here.

I want the Senator from Tennessee to know that I respect his principles as well as support them. We miss his judgment and restraint, I must say, in the Judiciary Committee on which he served until the beginning of this Congress.

Here, of course, we are not preparing to pass a new federal murder, rape, or sexual offense statute. But we might as well do that because in Aimee's Law we are forcing the states through the use of federal law enforcement assistance funds to increase their penalties for these offenses. Since when is it the province of the federal government to determine the sentences for state crimes? That is what we are doing here.

Mr. President, in addition to furthering the federalization of the criminal law, this provision is very poorly thought out. As the National Governors Association, the National Conference of State Legislatures, the Council of State Governments and the Department of Justice have told us, it won't work. Even if states wish to comply with this law they won't be able to do.

Here's why: Under this bill, if a person who has been convicted of a murder, rape or dangerous sexual offense is released from prison and commits a serious crime in another state, the original state becomes liable to the second state for all the costs of investigation, prosecution, and incarceration of the second crime. To avoid that liability, which the Attorney General must enforce through reallocation of the second states' federal law enforcement assistance funds, the second state must comply with two conditions.

First, it must make sure that persons convicted of these serious offenses serve at least 85 percent of their sentences. So far, so good. States can comply with that federal sentencing requirement if they want to avoid risking their federal money. But the federal coercion doesn't stop there. The state must make sure that the average sentence for the original crime is greater than the average sentence for such crimes in all the states. This is a remarkable condition. Mr. President, that actually makes it impossible for all 50 states to be in compliance at any one time.

Now Mr. President, think about this. Suppose a state determines that its average sentence for rape is 20 years, but the average for all states for that crime is 25 years. So the state raises its sentence to 26 years. That act will

if change the average sentence for the states, possibly putting other states under the average and encouraging them to raise their sentences. The average sentence for all the states will therefore almost never be constant or predictable. Every time a state changes its sentencing guidelines to try to get above the average, the average will change and other states will be forced to revise their own sentences. We will have rolling averages and no certainty in sentencing or in the availability of federal money for important state law enforcement purposes.

And that does not even take into account that the average sentence for individual state will even sometimes change as different criminals are convicted and sentenced to slightly different terms. So the averages that states are supposed to keep track of in order to keep their law enforcement assistance funds will literally change day by day. This bill is an administrative nightmare for our states, even if they want to comply.

I ask unanimous consent that a letter from the Secretary of the Wisconsin Department of Corrections in opposition to this bill be printed in the RECORD at the conclusion of my statement.

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

(See Exhibit 1.)

Mr. FEINGOLD. After setting out a number of the difficulties of complying with this bill, Secretary Jon Litscher concludes the following:

Given the complexity of administering this bill and pitting one state against another, I don't believe this legislation will enhance the criminal justice system.

I believe that Mr. Litscher's view is shared by criminal justice professionals all over the country, along with Governors and other elected officials, all of whom are working just as hard to reduce violent crime as the sponsors of this bill.

I cannot leave this topic of how this provision creates a "race to the top" in sentencing without commenting on how it will effect the death penalty. Currently, 38 states have the death penalty for some crimes. That is more than half the states. Now I am not sure how you calculate an average sentence when some jurisdictions use the death penalty. But there would certainly be a strong argument that the states that do not use the death penalty will risk losing federal law enforcement assistance funds if a convicted murderer is let out on parole and commits another serious crime. Basically, this policy could force states to either enact the death penalty or never release a person convicted of murder on parole.

Now maybe that is what some people want. But I believe that whether to impose the ultimate penalty of death should be up to the states and their citizens. Federal coercion has no place in this question of conscience. A number of states, including my own, have long and proud histories of opposition to the death penalty. We should not use federal funds to force them to change their positions.

If this bill had gone through the Judiciary Committee, some of the difficulties in interpreting and applying it might have been worked out. Here all the negotiating has gone on behind closed doors. This is what happens when the normal legislative process is circumvented as it has been so often this year. It's now the norm for the majority to look for conference reports as vehicles for bills that they want to enact without going through the legislative process.

We used to have a rule, as my colleagues know, that prevented items from being added to a conference report that were beyond the scope of the conference. Last year, the minority leader offered an amendment to restore the rule, but it was voted down on a near party line vote.

So now, anything goes in a conference, including adding provisions for purely political reasons that don't withstand even the most basic scrutiny of whether they will work, or can even be understood by the people or entities that are supposed to abide by them. I am sorry to say that Aimee's law is bad law. Perhaps well-intentioned, but bad law. I will support the Thompson point of order in order to state my objection to this provision.

I yield the floor.

EXHIBIT 1

STATE OF WISCONSIN,
DEPARTMENT OF CORRECTIONS,
Madison, WI, October 10, 2000.

Hon. RUSSELL D. FEINGOLD,
U.S. Senator,
Washington, DC.

DEAR SENATOR FEINGOLD: It has come to my attention that the provisions of H.R. 894 (Aimee's Law) have been attached to other legislation that may be considered by the United States Senate on Wednesday, October 11th. I am very concerned about the negative fiscal/policy ramifications on the Department of Corrections and the State of Wisconsin.

Aimee's law provides that in any case in which a person is convicted of a dangerous sexual offense, murder or rape, and that person has been previously convicted of that offense in another state, the state of the prior conviction will incur fiscal liabilities. It will have deducted from its federal criminal justice funds the cost of apprehension, prosecution and incarceration of the offender. These funds will then be transferred to the state where the subsequent offense occurred.

This legislation has a very confusing array of provisions. For example:

1. Retroactivity—While this bill has an effective date of January 1, 2002, it doesn't appear to have an applicability section that is normally drafted into bills introduced in the Wisconsin legislature. Many states have passed truth-in-sentencing laws that make them eligible for federal grant money. However, a state cannot change the sentencing structure for persons sentenced under a prior law. Wisconsin's truth-in-sentencing law (TIS) applies to persons who commit a felon on or after December 31, 1999 and inmates must serve 100% of the term of imprisonment imposed by the court.

2. Section (3)(a), "the average term of imprisonment imposed by State . . ." does not specify the term nor time period in which the averaging figure applies—does it apply at the time of sentencing for a similar crime across all states? Is the average for a specific time frame? Does the sentencing average only apply to cases sentenced to prison, or does it include persons sentenced to a jail term and probation? We don't know what the nationwide average is now and this figure will constantly be changing.

3. Determination of Comparable State Statutes—There is no uniform criminal code for all states. It will be very difficult to determine comparable state statutes to "Dangerous Sexual Offense," "Murder," and "Rape." This will be subject to significant variation across the nation.

This bill pits each state against the others. The costs associated with administration of the law, and the resulting "loss" of funds may be greater than the grant funds to which the state would otherwise be entitled. States may opt to not administer the law (not "charge" another state) so that another state will not charge them. Enforcement of this law will be dependent upon each state agreeing to fully implement its provisions.

If the intent of the bill is to insure that each state has implemented TIS, retroactive application is unnecessary. You only need to apply the bill to states that haven't passed TIS and exempt those that have enacted laws that require at least 85% of a term of imprisonment to be served.

Given the complexity of administering this bill and the pitting of one state against another, I don't believe this legislation will enhance the criminal justice system.

Thank you for taking the time to consider my comments.

Sincerely,

JON E. LITSCHER,
Secretary.

The PRESIDING OFFICER. The hour of 4:30 p.m. having arrived, under the previous order the Senate will now proceed to a vote in relation to the appeal of the Senator from Tennessee. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote "yea."

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—90

Abraham	Bunning	Dodd
Akaka	Burns	Domenici
Allard	Byrd	Dorgan
Ashcroft	Campbell	Durbin
Baucus	Chafee, Lincoln	Edwards
Bayh	Cleland	Enzi
Bennett	Cochran	Fitzgerald
Biden	Collins	Frist
Bingaman	Conrad	Gorton
Boxer	Craig	Graham
Breaux	Crapo	Gramm
Brownback	Daschle	Grams
Bryan	DeWine	Grassley