

“an overreaction to a situation which can be reconciled among the states and not in a federal court.”

Skeptics rightly are concerned that some may be using the Internet as an excuse to protect the decades-old distribution system for wine and other alcoholic beverages. Although the Internet has not changed state liquor law enforcement, it has opened up the wine and beer market to new consumer choices and competition.

With the power of electronic commerce, adult consumers now have the freedom to choose from a rich assortment of different wine and beer products—from small wineries to nationwide brewers in America or any other country in the world.

We should be embracing this free market and open competition. Competition in the free market is the American way. But instead some wine and beer wholesalers want to use this legislation as a protectionist ploy to keep their present distribution system, which effectively locks out small wineries and micro-breweries from ever getting their products on a store shelf. Mothers Against Drunk Driving and the National Conference of State Legislatures have noted that this Federal legislation is nothing more than an attempt to use the Federal courts in a disagreement between wholesalers and small independent wineries and breweries.

On August 12, 1999, The Wall Street Journal wrote about this legislation: “This is a bad bill, with dangerous consequences not only for alcohol but for the future of e-commerce and other cross-state transactions.” I wholeheartedly agree.

The Department of Justice has warned Congress in relation to legislation affecting the Internet that: “[A]ny prohibitions that are designed to prohibit criminal activity on the Internet must be carefully drafted to accomplish the legislation’s objectives without stifling the growth of the Internet or chilling its use.” This bill fails that test. It is not carefully crafted. In fact, it is not even needed. It also could chill the use of the Internet as a means of promoting interstate commerce.

I will vote in support of this conference report because the provisions on sex trafficking, VAWA and justice for victims are proposals I endorse. I do so with profound regret with the process and that the majority insisted on including Aimee’s law and the internet alcohol bill that are not well considered. They are the price that we pay for making progress here today. I will work to see if we can limit their damage.

In closing, I wish to thank the conferees and their staffs who showed courtesy to me and mine. In particular, I thank Karen Knutsen of Senator BROWNBACK’s staff and Mark Lagon and Brian McKee of the staff of the Foreign

Relations Committee. I thank Nancy Zirkin of the American Association of University Women and Pat Reuss of the NOW Legal Defense and Education Fund for their efforts on behalf of VAWA II. This has been a difficult matter at a difficult time that is being concluded as best we can under these circumstances in order to enact the sex trafficking legislation, VAWA II and the victims bill for all the good they can mean.

Mr. 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. LEAHY. 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. LEAHY. Mr. President, I ask unanimous consent that the distinguished Senator from Kansas be recognized to make a unanimous consent request.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the votes occurring relative to the Thompson appeal as provided in the consent agreement this body agreed to on October 6, 2000, occur at 4:30 p.m. today, with adoption of the conference report to occur immediately following that vote as provided in the consent agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, for the information of Members, in light of this agreement, the next two votes will occur at approximately 4:30 p.m. with the Thompson appeal vote occurring at 4:30 and the conference report vote occurring immediately thereafter.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:49 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. COLLINS).

The PRESIDING OFFICER. The Senator from Utah is recognized.

ORDER OF PROCEDURE

Mr. HATCH. Without losing my own time, I yield 5 minutes to the distinguished Senator from Vermont off the leader’s time, 2 minutes from the distinguished Senator from Minnesota off the leader’s time, and I understand the distinguished Senator from New York desires 5 minutes off the minority leader’s time.

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

The Senator from Vermont is recognized.

(The remarks of Mr. JEFFORDS are located in today’s RECORD under “Morning Business.”)

The PRESIDING OFFICER. Under the previous order, the Senator from New York is now recognized.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000—CONFERENCE REPORT—Continued

Mr. SCHUMER. Madam President, I thank you as well as the chairman of our committee, Mr. HATCH, and the ranking member, Mr. LEAHY, for yielding me a brief amount of time to talk on the Violence Against Women Act.

I commend our leader on Judiciary, Senator LEAHY, for his diligent work on so many of the issues contained here. I know there are some differences on a few. I commend Senator BIDEN, who has worked long and hard on this issue for many years. We all owe him a debt of gratitude for his strenuous efforts. I also thank the Senator from California, Mrs. BOXER. When Senator BIDEN first introduced the bill in the Senate, Senator BOXER, then Congress Member BOXER, was the House sponsor; I was the cosponsor. When she moved on to the Senate, I became the lead House sponsor and managed the bill as it was signed into law.

When it was first enacted in 1994, the Violence Against Women Act signaled a sea change in our approach to the epidemic of violence directed at women. Until the law, by and large it had been a dirty little secret that every night hundreds of women showed up at police precincts, battered and bruised, because they were beaten by their spouse or their boyfriend or whatever. All too often they were told by that law enforcement officer, who really had no education, no training, or no place to send the battered woman: Well, this is a domestic matter. Go home and straighten it out with your husband.

So deep were the traditions ingrained that it was very hard to remove them. In fact, the expression “rule of thumb” comes from the medieval law that said a husband could beat his wife with a stick provided that stick was no wider than his thumb.

The Violence Against Women Act took giant strides to take this terrible, dirty secret, bring it above ground, and begin really to cleanse it. The new law acknowledged that the ancient bias showed itself not just in the virulence of the perpetrators of violence but in the failure of the system and the community to respond with sufficient care and understanding. Shelters grew, police departments were educated, the VAWA hotline—which we added to the law as an afterthought, I remember, in the conference—got huge numbers of

calls every week, far more than anybody ever expected. The increased penalties for repeat sex offenders did a great deal of good.

In my State alone, for instance, the act provided \$92 million for purposes such as shelter, such as education, such as rape crisis centers, and such as prevention education for high school and college students, and victims' services. But, as impressive as the advances were under the original VAWA, we still have a long way to go; this horrible activity is ingrained deeply in our society. Building on the success of VAWA I, VAWA II—the Violence Against Women Act II—is now before us. It is still the case that a third of all murdered women die at the hands of spouses and partners and a quarter of all violent crimes against women are committed by spouses and partners. Indeed, the latest figures from the Bureau of Justice Statistics actually show an increase of 13 percent in rape and sexual assault.

So we have a long way to go. The battle continues. It is why the Violence Against Women Act is so important and will make such a difference in the lives of women across America. I will not catalog its provisions. That has been done by my colleagues before me. I urge my colleagues to vote for this legislation.

In conclusion, let us hope this law will hasten the time when violence against women is not a unique and rampant problem requiring the attention of this body. Let us pray for the time when women no longer need to live in fear of being beaten.

I yield my time and thank my colleagues.

Mr. LEAHY. Madam President, I see my good friend, the Senator from Iowa, on the floor. I yield him 10 minutes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I thank my good friend from Vermont for yielding me this time to voice my support for the reauthorization of the Violence Against Women Act. It is an important act that should be passed forthwith.

I was a proud cosponsor of this bill when it passed in 1994, and I am an original cosponsor of the reauthorization bill. This is a law that has helped hundreds of thousands of women and children in my State of Iowa and across the Nation. Iowa has received more than \$8 million through grants of VAWA. These grants fund the domestic violence hotline and keep the doors open at domestic violence shelters, such as the Family Violence Center in Des Moines.

VAWA grants to Iowa have provided services to more than 2,000 sexual assault victims just this year, and more than 20,559 Iowa students this year have received information about rape prevention through this Federal funding.

The numbers show that VAWA is working. A recent Justice report found that intimate partner violence against women decreased by 21 percent from 1993 to 1998. This is strong evidence that State and community efforts are indeed working. But this fight is far from over. The reauthorization of this important legislation will allow these efforts to continue without having to worry that this funding will be lost from year to year. I commend the Democratic and Republican leadership for working to get this bill done before we adjourn.

I believe my friends on the Republican side of the aisle are suffering from a split personality. They are willing to reauthorize the Violence Against Women Act, but they are not willing to put a judge on the Federal bench who knows more about this law, has done more to implement this law than any other person in this country, and that is Bonnie J. Campbell, who right now heads the Office of Violence Against Women that was set up by this law in 1994. In fact, Bonnie Campbell has been the head of this office since its inception, and the figures bear out the fact that this office is working, and it is working well.

Bonnie Campbell's name was submitted to the Senate in March. She had her hearing in May. All the paperwork is done. Yet she is bottled up in the Senate Judiciary Committee.

Yesterday, the Senator from Alabama appeared on the CNN news show "Burden of Proof" to discuss the status of judicial nominations. I want to address some of the statements he made on that show.

Senator SESSIONS said Bonnie Campbell has no courtroom experience. The truth: Bonnie Campbell's qualifications are exemplary. The American Bar Association has given her their stamp of approval. She has had a long history in law starting in 1984 with her private practice in Des Moines where she worked on cases involving medical malpractice, employment discrimination, personal injury, real estate, and family law.

She was then elected attorney general of Iowa, the first woman to ever hold that office. In that position, she gained high marks from all ends of the political spectrum as someone who was strongly committed to enforcing the law to reducing crime and protecting consumers.

As I said, in 1995, she led the implementation of the Violence Against Women Act as head of that office under the Justice Department. Her strong performance in this role is reflected in last month's House vote to reauthorize VAWA—415-3.

Senator SESSIONS from Alabama says she has no courtroom experience. I will mention a few of the judicial nominees who have been confirmed who were criticized for having little or no courtroom experience.

Randall Rader—my friend from Utah might recognize that name—was appointed to the U.S. Claims Court in 1988 and then to the Federal circuit in 1990. Before 1988, Mr. Rader had never practiced law, had only been out of law school for 11 years, and his only post-law-school employment had been with Congress as counsel to Senator HATCH from Utah. Yet today, he sits on a Federal bench. But Senator SESSIONS from Alabama says Bonnie Campbell has no courtroom experience; that is why she does not deserve to be on the Federal court.

Pasco Bowman serves on the Eighth Circuit. He was confirmed in 1983. Before his nomination—

Mr. HATCH. Will the Senator yield?

Mr. HARKIN. He was criticized for his lack of experience because he had been in private practice for 5 years out of law school, and the rest of that time he was a law professor. Now he is on the Eighth Circuit.

Mr. HATCH. Will the Senator yield? I want to agree with that.

Mr. HARKIN. Yes.

Mr. HATCH. I agree with the Senator. I do not think it is critical that a person have prior trial experience to be nominated to the Federal bench.

Mr. HARKIN. I appreciate that.

Mr. HATCH. There are many academics who have not had 1 day of trial experience. There have been a number of Supreme Court Justices who have not had 1 day of trial experience. I do criticize the Senator in one regard, and that is for bringing up the name of Randall Rader because Randy happened to be one of the best members of our Senate Judiciary Committee. He is now one of the leading lights in all intellectual property issues as a Federal Circuit Court of Appeals judge. The fact is, he has a great deal of ability in that area. I agree with that.

Mr. HARKIN. Will the Senator yield on that point? I am not criticizing Randall Rader.

Mr. HATCH. I didn't think you were.

Mr. HARKIN. I am saying here is a guy on the court, probably doing a great job for all I know, but he didn't have any courtroom experience either.

Mr. HATCH. I agree with the Senator.

Let me just say this. I am in agreement with my friend and colleague from Iowa. I believe it is helpful to have trial experience, especially when you are going to be a trial judge. I do not think it is absolutely essential, however. I also believe some of the greatest judges we have had, on the trial bench, the appellate bench, and on the Supreme Court, never stepped a day into a courtroom other than to be sworn into law to practice.

Mr. HARKIN. I agree with that.

Mr. HATCH. That isn't the situation.

Now, I have to say, I appreciate my two colleagues from Iowa in their very earnest defense, and really offense, in

favor of Bonnie Campbell. She is a very nice woman and a very good person. Personally, I wish I could have gotten her through. But it isn't all this side's fault. As the Senator knows, things exploded here at the end because of continual filibusters on motions to proceed and misuse of the appointments clause, holds by Democrats, by the Democrat leader, on their own judges, and other problems that have arisen that always seem to arise in the last days.

So I apologize to the distinguished Senator I couldn't do a better job in getting her through. But I agree with him, and I felt obligated to stand and tell him I agreed with him, that some of our greatest judges who have ever served have never had a day in court. I might add, some of the worst who have ever served have never had a day in court also. I think it is only fair to make that clear. But there are also some pretty poor judges who have been trial lawyers, as well. So it isn't necessarily any particular experience.

Mr. LEAHY. If the Senator would yield?

Mr. HARKIN. I am just pointing out what the Senator from Alabama, who is a member of the Judiciary Committee, said.

Mr. HATCH. I understand.

Mr. HARKIN. I was not saying anything about the Senator from Utah. I was just pointing out, as he just did, some good judges on the appellate level never had trial experience.

Mr. HATCH. If the Senator would yield again, if we made that the criterion, that you have to have a lot of trial experience, I am afraid we would hurt the Federal Judiciary in many respects because there are some great people—

Mr. HARKIN. I agree.

Mr. HATCH. Who have served in very distinguished manners who have not had trial experience. I think it is helpful, but it does not necessarily mean you are going to be a great judge.

I thank my colleague for yielding.

Mr. LEAHY. Madam President, if the Senator will yield, I will note the big difference between Judge Rader and Bonnie Campbell. I think Judge Rader is a very good judge. I supported him. Judge Rader got an opportunity to have a vote on his nomination, and he was confirmed. Bonnie Campbell, who was nominated way back in March, has never been given a vote. There is a big difference.

Mr. HARKIN. Yes.

Mr. LEAHY. It is not trial experience. There is a big difference. She deserved a vote just as much as anybody else. She never got the vote. Had she gotten the vote, then I think she would have been confirmed. It is not a question of Judge Rader, whom I happen to like, who is a close personal friend of mine, and whom I supported; it is a question of who gets a vote around here.

The PRESIDING OFFICER. The time yielded to the Senator from Iowa has expired.

Mr. LEAHY. I assumed the time of the Senator from Utah was coming from his side.

Mr. HARKIN. I yielded to him.

Mr. LEAHY. Madam President, I yield the Senator 2 more minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 2 more minutes.

Mr. HARKIN. I just point out, J. Harvie Wilkinson is another judge in the Fourth Circuit. Again, he never had any courtroom experience either.

I am just pointing out, the Senator from Alabama yesterday, on the same TV show, said Bonnie Campbell was nominated too late. Nonsense. Gobbledy-gook.

Bonnie Campbell was nominated on March 2 of this year. The four judicial nominees who were confirmed just last week were nominated after Bonnie Campbell. Why didn't Senator SESSIONS from Alabama stop them from going out of committee? They were nominated after Bonnie Campbell. Three of them were nominated, received their hearings, and were reported out of the committee during the same week in July. Bonnie Campbell had her hearing in May, and she has since been bottled up in committee.

I keep pointing out, in 1992 President Bush nominated 14 circuit court judges. Nine had their hearing, nine were referred, and nine were confirmed—all in 1992. I guess it was not too late when the Republicans had the Presidency, but it is too late if there is a Democrat President.

Here is the year: 2000. Seven circuit court judges have been nominated; two have had their hearing, one has been referred, and one has been confirmed—one out of seven.

So who is playing politics around this place?

The Senator from Alabama said the Judiciary Committee is holding hearings, just as they did in the past.

In 1992, there were 15 judicial hearings; this year, there have been 8.

The Senator from Alabama also said some Republican Senators claim Bonnie Campbell is too liberal.

But Bonnie Campbell has bipartisan support. Senator GRASSLEY, law enforcement people, and victims services groups also all support her. Is that the test?

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. HARKIN. May I have 2 more minutes?

Mr. LEAHY. Madam President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 9 minutes remaining.

Mr. LEAHY. I yield 1 more minute to the Senator.

Mr. HARKIN. Thirty seconds.

The PRESIDING OFFICER. The Senator is recognized for 30 seconds.

UNANIMOUS CONSENT REQUEST—NOMINATION OF BONNIE J. CAMPBELL

Mr. HARKIN. Since this may be my only opportunity today, I will do it, as I will every day we are in session.

Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of the nomination of Bonnie J. Campbell, that after the two rollcall votes at 4:30—

Mr. HATCH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. I will wait until the Senator finishes.

Mr. HARKIN. I wanted to finish—that the Senate proceed to this nomination, with debate limited to 2 hours equally divided and, further, that the Senate vote on this nomination at the conclusion of the yielding back of time.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I get a little tired of some of these comments about judges when we put through 377 Clinton-Gore judges, only 5 fewer than Ronald Reagan, the all-time high. I get a little tired of the anguishing.

There has never been, to my recollection, in my 24 years here, a time where we have not had problems at the end of a Presidential year. Whether the Democrats are in power or we are in power, there is always somebody, and others—quite a few people—who foul up the process. But that is where we are. And to further foul it up is just not in the cards.

Senator HARKIN has spoken at length about one nominee: Bonnie J. Campbell. Let me respond.

It always is the case that some nominations "die" at the end of the Congress. In 1992, when Democrats controlled the Senate, Congress adjourned without having acted on 53 Bush nominations. I have a list here of the 53 Bush nominees whose nominations expired when the Senate adjourned in 1992, at the end of the 102nd Congress. By comparison, there are only 40 Clinton nominations that will expire when this Congress adjourns. My Democratic colleagues have discussed at length some of the current nominees whose nominations will expire at the adjournment of this Congress, including Bonnie Campbell. I ask unanimous consent that this list of 53 Bush nominations that Senate Democrats permitted

to expire in 1992 be printed in the RECORD.

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

53 BUSH NOMINATIONS RETURNED BY THE DEMOCRAT-CONTROLLED SENATE IN 1992 AT THE CLOSE OF THE 102D CONGRESS

Nominee	Court
Sidney A. Fitzwater of Texas	Fifth Circuit.
John G. Roberts, Jr. of Maryland	D.C. Circuit.
John A. Smetanka of Michigan	Sixth Circuit.
Frederico A. Moreno of Florida	Eleventh Circuit.
Justin P. Wilson of Tennessee	Sixth Circuit.
Franklin Van Antwerpen of Penn.	Third Circuit.
Francis A. Keating of Oklahoma	Tenth Circuit.
Jay C. Waldman of Pennsylvania	Third Circuit.
Terrance W. Boyle of North Carolina ..	Fourth Circuit.
Lillian R. BeVier of Virginia	Fourth Circuit.
James R. McGregor	Western District of Pennsylvania.
Edmund Arthur Kavanaugh	Northern District of New York.
Thomas E. Shotts	Southern District of Florida.
Andrew P. O'Rourke	Southern District of New York.
Tony Michael Graham	Northern District of Oklahoma.
Carlos Bea	Northern District of California.
James B. Franklin	Southern District of Georgia.
David G. Trager	Eastern District of New York.
Kenneth R. Carr	Western District of Texas.
James W. Jackson	Northern District of Ohio.
Terral R. Smith	Western District of Texas.
Paul L. Schechtman	Southern District of New York.
Percy Anderson	Central District of California.
Lawrence O. Davis	Eastern District of Missouri.
Andrew S. Hanen	Southern District of Texas.
Russell T. Lloyd	Southern District of Texas.
John F. Walter	Central District of California.
Gene E. Voigts	Western District of Missouri.
Manuel H. Quintana	Southern District of New York.
Charles A. Banks	Eastern District of Arizona.
Robert D. Hunter	Northern District of Alabama.
Maureen E. Mahoney	Eastern District of Virginia.
James S. Mitchell	Nebraska.
Ronald B. Leighton	Western District of Washington.
William D. Quarles	Maryland.
James A. McIntyre	Southern District of California.
Leonard E. Davis	Eastern District of Texas.
J. Douglas Drushal	Northern District of Ohio.
C. Christopher Hagy	Northern District of Georgia.
Louis J. Leonatti	Eastern District of Missouri.
James J. McMonagle	Northern District of Ohio.
Katharine J. Armentrout	Maryland.
Larry R. Hicks	Nevada.
Richard Conway Casey	Southern District of New York.
R. Edgar Campbell	Middle District of Georgia.
Joanna Seybert	Eastern District of New York.
Robert W. Kostelka	Western District of Louisiana.
Richard E. Orr	Western District of Missouri.
James H. Payne	Oklahoma.
Walter B. Prince	Massachusetts.
George A. O'Toole, Jr.	Massachusetts.
William P. Dimitrouleas	Southern District of Florida.
Henry W. Saad	Eastern District of Michigan.

Mr. HATCH. I would note that the Reagan and Bush nominations that Senate Democrats allowed to expire Congresses included the nominations of minorities and women, such as Lillian BeVier, Frederic Moreno, and Judy Hope.

I do not have any personal objection to the judicial nominees who my Democratic colleagues have spoken about over the last few weeks. I am sure that they are all fine people. Similarly, I do not think that my Democratic colleagues had any personal objections to the 53 judicial nominees whose nominations expired in 1992, at the end of the Bush presidency.

Many of the Republican nominees whose confirmations were blocked by the Democrats have gone on to great careers both in public service and the private sector. Senator JEFF SESSIONS, Governor Frank Keating, and Washington attorney John Roberts are just a few examples that come to mind.

I know that it is small comfort to the individuals whose nominations are pending, but the fact of the matter is

that inevitably some nominations will expire when the Congress adjourns. I happens every two years. I personally believe that Senate Republicans should get some credit for keeping the number of vacancies that will die at the end of this Congress relatively low. As things now stand, 13 fewer nominations will expire at the end this year than expired at the end of the Bush Presidency.

Madam President, I rise today to express my pride and gratitude that the Violence Against Women Act of 2000 will pass the Senate today and soon become law. This important legislation provides tools that will help women in Utah and around the country who are victims of domestic violence break away from dangerous and destructive relationships and begin living their lives absent of fear.

I commend all of my fellow Senators and colleagues in the House of Representatives with whom I worked to ensure the Violence Against Women Act is reauthorized through the year 2005. The Republican and Democratic Senators and Representatives who worked to make sure that this legislation passed understood and understand that violence knows no boundaries and it can affect the lives of everyone.

This has been a truly bipartisan effort of which everyone can be extremely proud. Specifically, I thank Senator JOSEPH BIDEN for his unyielding commitment to this bill. His leadership and dedication has ensured VAWA's passage. I must say, though, that all along I remained more optimistic than he that we would pass this bill I promised him we would.

I want to take a moment to briefly summarize some of the important provisions in this legislation. First, the bill reauthorizes through fiscal year 2005 the key programs included in the original Violence Against Women Act, such as the STOP and Pro-Arrest grant programs. The STOP grant program has succeeded in bringing police and prosecutors, working in close collaboration with victim services providers, into the fight to end violence against women. The STOP grants were revised to engage State courts in fighting violence against women by targeting funds to be used by these courts for the training and education of court personnel, technical assistance, and technological improvements.

The Pro-Arrest grants have helped 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. These grants have been expanded to include expressly the enforcement of protection orders as a focus for the grant program funds. The changes also make the development and enhancement of data collection and sharing systems to promote enforcement of protection orders a funding priority. Another improvement re-

quires recipients of STOP and Pro-Arrest grant funds, as a condition of funding, to facilitate the filing and service of protection orders without cost to the victim in both civil and criminal cases.

Additionally, the legislation reauthorizes the National Domestic Violence Hotline and rape prevention and education grant programs. It also contains three victims of child abuse programs, including the court-appointed special advocate program. The Rural Domestic Violence and Child Abuse Enforcement Grants are reauthorized through 2005. This direct grant program, which focuses on problems particular to rural areas, will specifically help Utah and other states and local governments with large populations living in rural areas.

Second, the legislation includes targeted improvements that our experience with the original Act has shown to be necessary. For example, VAWA authorizes grants for legal assistance for victims of domestic violence, stalking, and sexual assault. It provides funding for transitional housing assistance, an extremely crucial complement to the shelter program, which was suggested early on by persons in my home state of Utah. It also improves full faith and credit enforcement and computerized tracking of protection orders by prohibiting notification of a batterer without the victim's consent when an out-of-state order is registered in a new jurisdiction. Another important addition to the legislation expands several key grant programs to cover violence that arises in dating relationships. Finally, it makes important revisions to the immigration laws to protect battered immigrant women.

There is no doubt that women and children in my home state of Utah will benefit from the improvements made in this legislation. Mr. President, this is the type of legislation that can effect positive changes in the lives of all Americans. It provides assistance to battered women and their children when they need it the most. It provides hope to those whose lives have been shattered by domestic violence.

I am proud to have worked with the women's groups in Utah and elsewhere in 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 availability 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 Gen-

eral 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, disproportionately 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 a priority to address domestic violence and sexual assault targeted at women, even though women, of course, are not alone in experiencing this type of violence.

Recent statistics justify a continued focus on violence targeted against women. For example, a report by the U.S. Department of Justice, Bureau of Justice Statistics issued in May 2000 on Intimate Partner Violence confirms that crimes committed against persons by current or former spouses, boyfriends or girlfriends—termed intimate partner violence—is "committed primarily against women." Of the approximately 1 million violent crimes committed by intimate partners in 1998, 876,340, or about 85 percent, were committed against women. Women were victims of intimate partner violence at a rate about 5 times that of men. That same year, women represented nearly 3 out of 4 victims of the 1,830 murders attributed to intimate partners. Indeed, while there has been a sharp decrease over the years in the rate of murder of men by intimates, the percentage of female murder victims killed by intimates has remained stubbornly at about 30 percent since 1976.

Despite the need to direct federal funds toward the most pressing problem, it was not, and is not, the intent of Congress categorically to exclude men who have suffered domestic abuse or sexual assaults from receiving benefits and services under the Violence Against Women Act. The Act defines such key terms as "domestic violence" and "sexual assault," which are used to determine eligibility under several of the grant programs, including the largest, the STOP grant program, 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.

We anticipate that the executive branch agencies responsible for making grants under the Act, as amended, will continue to administer these programs so as to ensure that men who have been victimized by domestic violence and sexual assault will receive benefits and services under the Act, as appropriate.

We append to this joint statement a section by section analysis of the bill and a more detailed section by section analysis of the 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 purpose 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 Statis-

tics 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 in state 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.

Sec. 1407. Domestic Violence Task Force

Requires the Attorney General to establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts among the federal agencies that address domestic violence.

Authorization level is \$500,000.

TITLE V—BATTERED IMMIGRANT WOMEN

Strengthens and refines the protections for battered immigrant women in the original Violence Against Women Act. Eliminates a number of "catch-22" policies and unintended consequences of subsequent changes in immigration law to ensure that domestic abusers with immigrant victims are brought to justice and that the battered immigrants Congress sought to help in the original Act are able to escape the abuse.

TITLE VI—MISCELLANEOUS

Sec. 1601. Notice Requirements for Sexually Violent Offenders

Amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act to require sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. Requires that state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate State records or data systems. These changes take effect 2 years after enactment.

Amends the Higher Education Act of 1965 to require institutions of higher education to issue a statement, in addition to other disclosures required under the Act, advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. This change takes effect 2 years after enactment.

Amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders; requires the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.

Sec. 1602. Teen Suicide Prevention Study

Authorizes a study by the Secretary of Health and Human Services of predictors of suicide among at-risk and other youth, and barriers that prevent the youth from receiving treatment, to facilitate the development of model treatment programs and public education and awareness efforts.

Authorization is for such sums as may be necessary.

Sec. 1603. Decade of Pain Control and Research

Designates the calendar decade beginning January 1, 2001, as the "Decade of Pain Control and Research."

TITLE V, THE BATTERED IMMIGRANT WOMEN PROTECTION ACT OF 2000—SECTION-BY-SECTION SUMMARY

Title V is designed to improve on efforts made in VAWA 1994 to prevent immigration law from being used by an abusive citizen or lawful permanent resident spouse as a tool to prevent an abused immigrant spouse from reporting abuse or living the abusive relationship. This could happen because generally speaking, U.S. immigration law gives citizens and lawful permanent residents the right to petition for their spouses to be granted a permanent 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 ab-

sences 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 re-opening 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 create incentive for abuse victim to delay leaving abusive situation on account of potential future improved immigration status of abuser). Clarifies that remarriage has no effect on pending VAWA immigration petition.

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

Makes technical change of description of battered aliens allowed to access certain public benefits so as to use correct pre-IIRIRA name for equitable relief from deportation/removal ("suspension of deportation" rather than "cancellation of removal") for pre-IIRIRA cases.

Sec. 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; relates 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 that were included in this sex trafficking conference report considered on their own. But we have witnessed, during this session of Congress, dilatory procedural maneuvering of the like I have never witnessed before in the Senate.

Several bills which have passed both the House and the Senate are being held up with threats to filibuster the appointment of conferees. Motions to proceed to legislation are routinely objected to. As chairman of the Judiciary Committee, I was not even given the courtesy of being told that there was a Democratic hold on my interstate alcohol bill until after I sought to include it in the sex trafficking conference report. The public even witnessed the spectacle of the minority joining with the majority to limit debate on, and the amendments to, the Hatch H-1B bill and then turning around to repeatedly try to add non-relevant amendments to the bill in clear violation of the Senate rules.

Just so the record is clear, there has been—and continues to be—an effort on the part of the minority to tie the Senate up in procedural knots and then accuse the majority of being unable to govern. That is their right under the rules. I do not recall engaging in similar tactics when Republicans were in the minority but I am confident there are instances where one could accuse of having engaged in similar dilatory tactics. 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 what 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 must reemphasize, however, that this legislation does nothing to hurt the so-called small wineries in competing or marketing their products in the wine business. I worked hard for over a year with the wine industry to ensure that the legislation does not have any unintended consequences, and want to reassure my colleague from California that

the version of the legislation that is included in the conference report incorporates revisions made in the committee to address both the Wine Institute's and the American Vintners Association's concerns. We also included 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. I should also not that the Wine Institute and the Vintners Association, as well as numerous Internet commerce companies, have written us that they no longer oppose the 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. I hope the distinguished Senator from California knows that 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—and I should add that I don't think that Senator BOXER subscribes to that notion either.

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, and only allows the attorney general of a state to go to Federal court to enforce its laws. It is just a jurisdictional legislation and does not allow or prohibit any sales or marketing by any winery, large or small.

Having said that, I do hear the concerns by Senator BOXER and am willing to consider the impact of this legislation after the law has been on the books for a year or so, as my colleague has 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 inter-

national 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 Representa-

tives 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 as 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) Defini-

tions: 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 it 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, this reformed felon from Nevada raised his hand with his middle finger extended and shouted, "F - - you, Mrs. Willard, her brother and her sister."

This kidnapper, rapist and murderer should never have been on the street in June of 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 "badlands" of North Philadelphia. Her legacy will live on because of Aimee's Law, the "No Second Chances" law proposed by Matt Salmon from 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 life. Murderers are returned to the streets to murder again. Willful murderers do not de-

serve a second chance. If "Aimee's Law" is passed in 2000, the States will have strong incentive to reform their parole systems and to keep predators in prison actually for life. If not, 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 murderers, 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 kidnaped 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 Representatives 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, DC.
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 the help and support of a number of folks in and out of this Senate—from attorneys general in the various States, to police, to victims advocates, doctors, nurses, Governors, women's groups—I am proud to say we finally arrived at a point where the Violence Against Women Act 2000 is on the verge of passing the Senate as part of the sex trafficking conference report.

I thank particularly my good friend from Minnesota. Since he has arrived in the Senate, he has been the single strongest supporter I have had. Along with his wife, who is incredible, she has been the single most significant outside advocate for the Violence Against Women Act in everything that surrounds and involves it.

I dealt him a bit of advice. When I went to a conference on a bill he was working very mightily for, along with our friend and Republican colleague, the sex trafficking bill, which is a very important bill in and of itself—by itself it is important—if we were doing nothing else but passing that legislation that he and Senator BROWNBACK have worked so hard on, it would be a worthy day, a worthy endeavor for the Senate and the U.S. Government.

I realize people watching this on C-SPAN get confused when we use the "Senate speak." We talk of conferences and conference reports and various types of legislation. The bottom line is, I was part of that agreement where we sat down with House Members and Senate Members to talk about the sex trafficking legislation. I didn't surprise him—I told him ahead of time, but I am sure I created some concern—by attempting to add the Violence Against Women Act to that legislation. We ultimately did.

It is the first time in the 28 years I have been in the Senate that I have gone to a conference and added a major

piece of legislation in that conference, knowing that it might very well jeopardize the passage of the legislation we were discussing. And it is worthy legislation. I am a cosponsor. I can think of nothing—obviously, you would expect me to say that, being the author of this legislation—I can think of nothing of more consequence to the women of America and the children of America than our continuing the fight—and I am sure my friend from Minnesota agrees with me—regarding violence against women.

I thank Senator HATCH for working so hard with me to pass this legislation. This legislation was not a very popular idea on the other side of the aisle 8 years ago when we wrote this, and 6 years ago when we got close to passing it, and 5 years ago when we passed it. Senator HATCH stood up and led 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 Senator 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 enforce-

ment 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 victim—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 used cell phones, so that every person with a protection from abuse order can get a cell phone programmed to automatically dial 9-1-1 if the abuser shows up at her house, place of work, at the school yard when she picks up her child, the bus stop or the grocery store.

Commonsense solutions—all sparked by the Violence Against Women Act this body passed overwhelmingly in 1994.

Again, listen to the voices of victims we have helped.

Phyllis Lee from Tennessee says she is alive today thanks to the battered women shelter in Dayton. Without it, she is certain her abusive husband would have killed her with his violent beatings. After enduring 17 years of torturous abuse, including severe beatings to her head and body, rape, and the withholding of needed medical care, Phyllis finally escaped.

After a particularly severe beating, she hid in the woods for 20 hours, paralyzed with fear that her husband would find her. She crawled to a nearby farmhouse and asked for help.

With the help of the woman who lived there, she contacted Battered

Women, Inc.—an organization that assists victims of domestic violence. This program, which includes a hotline, counselors, and a shelter, is heavily funded by the Violence Against Women Act. It provided a way out for Phyllis and her children, whose lives were in grave danger.

Battered Women, Inc. also helped Phyllis get her GED and she is now working as an advocate for other battered women. She says that without this program, she never would have known that the option to live without abuse existed.

States with large Indian reservations—such as California and Nevada—have formed Inter-Tribal Councils so that Native American women no longer have to suffer in silence at the hands of their violent abusers. One victim in California writes:

If it were not for the Inter-Tribal Council's efforts, I would be dead, homeless or living in my car, with my children hungry.

In California, the Inter-Tribal Council has reached out to Native American communities to establish the "Stop and Take Responsibility" program.

First, and foremost, this program is about education—educating Native American men that hitting your spouse is a serious crime, and educating mothers, wives, sisters, and daughters—that no man has a right to lay a hand on them.

This past May, the shooting of Barry Grunrow, 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.

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

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.

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.

This wouldn't be a direct lengthening, but it would certainly have a potential effect with regard to, for example, parole board activities. So not only do you have an ex post facto problem, you have a spending loss problem. The Supreme Court has held that Congress can withhold money, unless the States engage in the behavior that Congress wants them to as they receive the money. They don't have to take the money, but if they do, they have to take the strings attached to it. The Supreme Court has basically upheld that. The Supreme Court also said the conditions that the Federal Government places on the use of the money must be unambiguous. The States must know what they have to do in order to get this money.

I submit that under the present case, Aimee's law, the States could not tell what they have to do in order to get this money because they are always dealing with a moving target. If you remember what I said a while ago, the name of the game is for the States to keep ratcheting up their incarceration time so they are within the national average. If they fall below that for their own good purposes, whatever the reasons and circumstances—they want to devote more money to prevention, or they want to devote more to rehabilitation instead of prisons, whatever their decisions might be—if they fall a little below, they are going to lose their money. If they want to keep their money, how high are they supposed to raise their incarceration rates? Be-

cause by the time they change their law and raise their incarceration rates for 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 somebody in another State—their incarceration 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 something 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 Federal money. So the States can't tell what they are supposed to do in order to keep their money. It is a very ambiguous, bad piece of legislation.

There are policy reasons in addition to what I have described and in addition 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 pitting one State against another, calculating 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 prison space. They are getting this Federal money in order to help them with more prisons.

This is a very circular kind of situation the Federal Government is creating. 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 comply with this Federal rule.

We are concerned about people getting 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 particular crimes. Murder, as defined under Federal law, could mean anything from vehicular homicide on up. So, presumably, someone could be convicted of vehicular homicide in Tennessee and go to California and be convicted 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 resources most years. They are doing a little better these days. They ought to have the right to decide for themselves—the people who elect their officials—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 criminal 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 Fathers set up States. If we don’t allow them to do that, what is the use of having them? Why do we have them? Why don’t we just go ahead and pass a Federal 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 elderly—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 stringent 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 humility.

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 problems. It is very complex and very controversial. But that doesn’t stop us. Last time I checked, we had 132 programs 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 con-

centrated 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