

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

occur, all without any intervening action or debate.

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT
AGREEMENT—H.R. 4516

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 4733 VETO MESSAGE

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

We have a base bill with sex trafficking. The Violence Against Women Act is the base of the bill, and it is put together in an overall piece of legislation with the Trafficking Victims Protection Act of 2000, Aimee's law, Justice for Victims of Terrorism Act, and