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

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

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

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

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

I yield the floor.

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Specifically, the Leahy-Feinstein amendment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The bill also creates protections and assistance for victims of trafficking, including a new nonimmigrant ''T'' visa. At the same time, punishments for traffickers are increased through asset seizure and greater criminal penalties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(By Dr. Hank Clever)

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

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

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

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

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

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

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

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

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

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

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

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

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

In addition to AWARE, many other domestic violence resources, including shelters, support services and legal services are available. The AWARE staff will be happy to give you that information.

Physicians, nurses, social workers, risk managers, students and Allied Health professionals who would like to learn more about domestic violence and the important role they can play in identifying and stopping it, should plan to attend the program. The conference is free and includes complimentary parking and lunch, but registration in required. Call 636–947–5621 for more information and to register.

Mr. BINGAMAN. Mr. President, today I rise to support the passage of H.R. 3244, a bill to reauthorize the Violence Against Women Act, VAWA. In 1994, when I voted in favor of the Violence Against Women Act I supported the purposes of the legislation and I believed the grants authorized in VAWA would provide the resources needed by New Mexico organizations, local governments and tribal governments to

tackle the growing problem of domestic violence. Now it is six years later and I am pleased to report that I have witnessed first-hand the many benefits of VAWA to New Mexico. I now realize how important VAWA was to New Mexico and I fully appreciate the strides New Mexico was able to make as a result of this legislation. Women and families in New Mexico have benefitted tremendously from VAWA and I rise today to lend my support to passage of VAWA II.

In New Mexico, we now have several organizations that are devoted to stopping violence against women. One example is the PeaceKeepers Domestic Violence Program based at San Juan Pueblo, New Mexico. PeaceKeepers is a domestic violence program that serves individuals that reside within the Eight Northern Pueblos which include the pueblos of Nambe, Picuris, Pojoaque, San Ildefonso, San Juan, Santa Clara, Tesuque and Taos. Peacekeepers is a consortium of individuals and is comprised of social workers, counselors, victims advocates, a civil attorney and a prosecutor. Because of VAWA grants, PeaceKeepers has been able to implement a comprehensive approach to address domestic violence in Indian Country.

The social workers and counselors provide counseling to victims, batterers and children of victims. Approximately twenty men have completed the 24 week batterers therapy program and are working to improve their lives and the lives of their families. The victims advocates provide support in court, assist with obtaining and enforcing protection orders and aid victims with legal matters and basic housing needs. The prosecutor on the Peacekeepers panel is made possible because of a VAWA Rural Victimization grant.

PeaceKeepers also provides training for tribal courts, law enforcement and tribal government personnel on domestic violence issues. The civil attorney also assists victims with legal assistance on matters such as child support, custody issues and protection orders. Safety for victims and accountability for offenders is the primary goal of PeaceKeepers. In the end, PeaceKeepers is about providing information, options and advocacy to victims of domestic violence.

When VAWA passed in 1994, the States and local organizations were finally provided with the resources they needed to implement programs to respond to the problem of violence against women. I am told repeatedly by sheriffs in counties throughout New Mexico that their urgent calls are usually the result of a domestic violence situation occurring. While VAWA has not stopped domestic violence from occuring, it has provided law enforcement agencies and courts with the training and resources they need to respond to domestic violence cases. Most importantly, VAWA has provided States and local organizations with the resources to begin tackling the underlying problems of domestic violence and given them resources to develop innovative methods to start breaking the cycle of violence in our communities.

Another organization in New Mexico that I am proud to support is the Esperanza Domestic Violence Shelter in northern New Mexico. I became acquainted with Esperanza a few years ago when they approached me because they were having trouble meeting the needs of their community. Esperanza operates in four counties and in 1998, Esperanza helped more than 2,000 people, including 1,100 victims of domestic violence, 510 children and teens and 424 abusers. As the name indicates, Esperanza offers women and families hope. Hope that they can live in a safe home, hope that they can survive outside of an abusive relationship and hope that they can offer a better life for their children. Esperanza has provided the supportive services needed for victims that reside in the extensive rural areas of New Mexico—victims who were often overlooked before VAWA.

I am very disappointed that it has taken so long for the Senate to take up and reauthorize VAWA. Last year when the reauthorization bill was introduced by Senator BIDEN, I agreed to cosponsor the legislation because I understand the importance of VAWA to New Mexico. Since 1994, New Mexico agencies have received over $17 million in VAWA grants. These VAWA grants have reached all four corners of my state and they have impacted the lives of thousands of New Mexicans.

One of the benefits of VAWA is that it authorized grants to address a variety of problems associated with violence against women. In 1999, Northern New Mexico Legal Services, Inc. received $318,500 under the Civil Legal Assistance grant program. In 1998, the City of Albuquerque received $482,168 under the Grants to Encourage Arrest Policies grant program. And between 1996 and this year, 20 New Mexico organizations received grants under the Rural Domestic Violence and Child Abuse grant program—20 grants totaling over $6.5 million.

In addition, Indian tribes in New Mexico have benefitted significantly from the passage of VAWA. So far, nine tribal governments and tribal-related organizations received nearly $2 million in grants under the Violence Against Women Discretionary Grants for Indian Programs. I am pleased to see that the pueblos of Acoma, Jemez, Laguna, San Felipe, Santa Ana and Zuni have been proactive and sought out these VAWA grants to make their pueblos a safer place for women and a better place for families. The State of New Mexico has also benefitted enormously from VAWA. Since 1995, the New Mexico Crime Victims Reparations Commission has been awarded over $6 million in VAWA funds.

Unless VAWA is reauthorized, domestic violence shelters in New Mexico will be closed, rape crisis centers will be shut down and thousands of victims of violence will be left without the options they have been provided under VAWA. This isn't speculation. I have received calls from police chiefs, shelter directors, church leaders, and other citizens who have told me that they will have to shut down their programs unless VAWA is reauthorized. Moreover, many prosecutors in New Mexico will lose the resources they have utilized to prosecute crimes against women. Because of the objections to bringing up VAWA for debate in the Senate, the original VAWA was allowed to expire on September 30th. That should not have happened. The House of Representatives voted overwhelmingly in favor of reauthorizing VAWA by a vote of 415–3 before VAWA expired. We need to reauthorize the Violence Against Women Act and we need to do it now.

While violence in the United States has fallen dramatically over the past 6 years, the Bureau of Justice Statistics reports that almost one-third of women murdered each year are killed by a husband or boyfriend. I believe the drop in crime we have experienced over the past 6 years is partly attributable to the passage of VAWA and the resources it made available to combat violence against women. We should not turn back the clock and go back to the level of violence we experienced in 1993. We should not go back to the days when people did not discuss domestic violence and women in abusive relationships lacked options for them and their children.

I commend Senator LEAHY and Senator BIDEN for their work on VAWA and their commitment to stopping domestic violence in this country. The amendments to VAWA will take the program further and expand the number of people benefitting from VAWA grants. I am pleased that the amount available for use by Indian tribal governments under the STOP grants was increased from 4 percent to 5 percent. In addition, 5 percent of the $40 million Rural Domestic Violence and Child Abuse Enforcement grants will be set aside for use by Indian tribal governments in the new bill.

I am also pleased to see that institutions of higher education will be provided with resources to address violence on college campuses. Schools will now be able to utilize $30 million in VAWA grants to install lighting and other deterrent measures to enhance the security of their campuses.

I also support the addition of transitional housing assistance to the VAWA. Many individuals who stay in abusive relationships often do so because they are financially dependent on their abuser. Transitional housing assistance will provide these victims and their families with temporary housing while they regain their financial independence.

The battered immigrant women provision is also important to many New

Mexico residents. No longer will battered immigrant women and children be faced with deportation for reporting an abuser on whom they may be dependent on for an immigration benefit. No person residing in the United States should be immune from prosecution for committing a violent crime because of a loophole in an immigration law.

Mr. President, VAWA is worthy legislation that is good for New Mexico and women and families across the country. VAWA should be reauthorized and passed in the form proposed today.

Mr. JEFFORDS. Mr. President, I rise today to enthusiastically support this conference report which contains the important reauthorization of the Violence Against Women Act (VAWA).

Over five years ago, Congress recognized the need for the Federal Government to take action and help combat domestic violence by passing VAWA. I was proud to be a cosponsor of that important legislation and have been pleased with the positive impact it has had in Vermont and around the United States.

The Vermont Network Against Domestic Violence and Sexual Assault has been a leader in creating innovative and effective programs toward our goal of eliminating domestic violence. Vermont has used funding under VAWA to provide shelter to battered women and their children and ''wrap-around'' services for these victimized families. Through VAWA, Vermont has also been able to help victims access legal assistance in the form of trained attorneys and advocacy services. In addition to fully utilizing funding available to train and educate law enforcement and court personnel, I am proud to say that Vermont is a national leader in the education and training of health care, welfare and family service workers who are likely to come in contact with victims of domestic violence.

While we have made advances in combating domestic violence in Vermont and all around the United States by programs funded through VAWA, there is still more work to be done. Every nine seconds across the country an individual falls victim to domestic violence. Recently, this statistic was brought home when churches and town halls in Vermont rang their bells in recognition and to raise awareness of this tragic violence that impacts so many lives. We must continue and strengthen our focus on this important issue.

I was proud to be an original cosponsor of this reauthorization when it was introduced this June, and feel that this legislation made many important improvements and additions to the programs and funding of VAWA while ensuring the maintenance of its core focus of combating domestic violence. Some important provisions of this legislation to Vermont include:

Reauthorization of current domestic violence programs through the Department of Health and Human Services and increasing funding for these programs so they can provide more shelter space to accommodate more people in need;

Extension of the discretionary grant program which mandates and encourages police officers to arrest abusers;

Creation of a five percent set aside towards State domestic violence coalitions;

Extension of state programs that deal with domestic violence in rural areas; and

Establishment of a new grant program to educate and train providers to better meet the needs of disabled victims of domestic violence.

In addition, I want to thank Senator HATCH and Senator BIDEN for including a reauthorization of the Family Violence Prevention and Services Act in the Violence Against Women Act. As the primary source of funding for local shelters, the Family Violence Prevention and Services Act is a vital cornerstone in the Federal response to domestic violence. This reauthorization ensures that this program can continue to grow with an increased authorization level. The Family Violence Prevention and Services Act is normally part of the Child Abuse Prevention and Treatment Act reauthorization process which is scheduled to be completed next year. As Chairman of the Committee on Health, Education, Labor and Pensions, I will be working with domestic violence organizations to see what, if any, changes need to be made in the Family Violence Prevention and Treatment Act to increase its capacity to serve the victims of family violence.

I am pleased with the fine work of Senators BIDEN and HATCH in crafting the original VAWA, and that these two Senators were able to further formulate a bipartisan, compromise version of this reauthorization which I was happy to cosponsor.

Since July, I have both written and talked to the Majority Leader calling for Senate consideration of this important legislation. While it was somewhat delayed, I am grateful that the Senate will be endorsing the reauthorization of VAWA today. While the reauthorization of VAWA is an important step, I remain committed to continuing to enact legislation to eliminate domestic violence in Vermont and all around the United States.

Mr. LEVIN. Mr. President, today the Senate is taking up and voting on the Trafficking Victims Protection Act Conference Report, which includes the reauthorization of the Violence Against Women Act. I commend the sponsors of the Trafficking Victims Protection Act. It is estimated that approximately 50,000 women and children are trafficked in the United States every year, many of whom are sexually exploited and forced into involuntary servitude. This bill will provide a comprehensive approach to prevent trafficking as well as ensure vigorous prosecution of those involved in this deplorable practice.

I am also pleased that this bill includes the Violence Against Women Act, VAWA, which has provided an unparalleled level of support for programs to end domestic and sexual violence. VAWA grants have made it possible for communities across the nation to provide shelter and counseling for hundreds of thousands of women and their children. Since 1995, more than $1.5 billion has been appropriated under VAWA's grant programs. Michigan has been awarded about $50 million in Federal grants under VAWA. Those grants provided invaluable resources to survivors of domestic and sexual violence in Michigan. For example, Rural grants have permitted 12 rural counties in Michigan to hire full time advocates for providing services to victims through outreach programs. VAWA Civil Legal Assistance Grants have allowed more than 5 Michigan communities to develop Civil Legal Assistance Programs, which provide quality legal assistance to hundreds of women and children. In addition, 35 Sexual Assault Services Programs and more than 20 Sexual Assault Prevention Programs have been created or strengthened in our state as a direct result of VAWA.

Furthermore, VAWA has been tremendously successful in the training of judges, court personnel, prosecutors, police and victims' advocates. Mary Keefe, Executive Director of the Michigan Coalition Against Domestic and Sexual Violence, explained in a letter to me that ''with the heightened training of police, prosecutors, and other in the criminal justice field, many of these systems are now routinely referring the victims they encounter to domestic violence and rape crisis programs.''

VAWA programs have been especially important to women in rural communities, where support networks had been limited due to distance. Here is just one case of such a victim—forwarded to me from the Michigan Coalition Against Domestic and Sexual Violence—whose life was possibly saved by a VAWA grant.

''Jamie'' (not her real name) was referred to the Domestic Violence Program by the Prosecutor. Jamie had shared with the prosecutor that she was ''afraid for life,'' and that she was afraid to participate in prosecution because of repercussions she may have to bear from her assailant. She soon fell out of contact with the prosecutor and the case against her assailant was on shaky ground.

The county prosecutor referred Jamie to the VAWA funded advocate. She came to the program in January, reluctant and fearful, but open to talking to the advocate. The advocate was able to provide two full days of intensive interaction with this survivor. Counseling her, preparing a safety plan for her and her children, telling her how the legal system works and preparing her for what she could expect each step of the way.

The advocate was actually able to pick Jamie up, drive her to court each time, sit by her, reassure her throughout the process, listen to her when she was angry and fearful, explain what was going on, and nurture her through the process of being a witness to this case.

The perpetrator was eventually convicted on several counts, and is serving time in the County jail.

Jamie has begun picking up the pieces of her life and is hopefully on the road to safety.

Despite the successes of VAWA, almost 900,0000 women continue to be victims of domestic violence each year, making it the number one health risk for women between the ages of 15 and 44. This Violence Against Women Act Reauthorization will build on the successes of VAWA by more than doubling the amount available for programs to support women and children subject to domestic abuse.

Although I support the underlying Trafficking Victims Protection Act, I am concerned about a provision in this bill referred to as Aimee's Law. When the Senator from Pennsylvania introduced this provision as an amendment to he juvenile justice bill, I was one of the few who voted against it. I understand the positive motive of those who support this provision and I agree that we should act to limit the number of tragedies that occur when persons convicted of serious offenses are paroled and then subsequently commit the same offense, but I do not support this unworkable procedure.

I remain concerned that this bill will federalize state criminal court systems. Currently, the crimes covered in this bill are defined differently in different states, which is appropriate since the 50 state court systems handle 95 percent of all criminal cases in this country. It is inappropriate to apply federal definitions and federal sentencing guidelines to criminal cases tried in state courts. I also remain concerned about how the penalties will be imposed since the average terms of imprisonment imposed by states are different than actual lengths of imprisonment and the cost of incarceration can not be known unless one can predict life expectancy.

On balance, I will vote for this Conference Report because I strongly support the Trafficking Victims Protection Act and Violence Against Women Act.

Ms. SNOWE. Mr. President, I rise today in support of the Violence Against Women Act of 2000, which is included in the conference report for the Trafficking Victims Protection Act (H.R. 3244). Current authorization for these programs expired at the end of September, and I believe that we must take immediate action to ensure that these programs are reauthorized before we go home. This bill has broad support on both sides of the aisle, with 73 cosponsors.

Domestic violence, no matter who commits it, is an extremely serious and tragically common crime that devastates families and takes a great toll on our society. Moreover, domestic violence often goes unreported, in large part because the incident is seen as a private and personal issue or because of the fear of a repeated attack by the assailant.

In my view, Congress must continue to address domestic violence in a comprehensive manner by providing resources for states and communities to disseminate education about domestic violence; provide counseling to the victim, the aggressor, and any children in the family; and ensure shelter to every person and child who needs to leave their home due to domestic violence. It is also important that health professionals are trained to identify and treat the medical conditions arising from domestic violence. This is a crime that we must put an end to and we must let those people who are suffering know there is help on the way.

Violence knows no gender barriers, but we must not turn a blind eye to the fact that women are especially likely to be vulnerable to danger and crime. The Violence Against Women Act is a critical tool in our fight to combat domestic violence across America. It is an absolutely essential bill for our mothers, our daughters, our sisters, relatives, friends, and co-workers.

One of the most important issues facing women today is the threat of violence. Three to four million American women are battered by their husbands or partners every single year. At least a third of all female emergency room patients are battered women. A third of all homeless women and children in the U.S. are fleeing domestic violence. At least 5,000 women are beaten to death each year. A woman in the United States is more likely to be assaulted, injured, raped, or killed by a male partner than by any other assailant. And women are six times more likely than men to be the victims of a violent crime.

This is more than just a nightmare for women. It is an America that millions of women and girls must wake up to each day. It is a grim reality millions of women and girls must enter each day of their lives just to go to work or attend school. It is real life America for millions of women and girls. And it is an unspeakable tragedy.

How many of us were shocked in June to read that women were attacked in New York City's Central Park in broad daylight following a parade? For days afterward we read headlines entitled ''Defenseless in the Park'' . . . ''Six More Arrested in Sex Attacks in Park'' . . . ''Police Study Central Park Mob's 35-Minute Binge of Sexual Assault.'' The litany of tragedy and violence against the women assaulted that day in Central Park paints a full, stark and disheartening picture of a nation unable to protect a woman's safety.

One of the victims, Emma Sussman Starr, wrote the New York Times about her attack and about the prevalence of violence against women in America. She said: ''Women learn early which streets are safe to walk on, when it's safe to be there and even how to walk (hands wrapped around keys, eyes straight ahead). We accept that we must pay for our safety in the form of cabs and doorman buildings in more expensive neighborhoods.'' What a sad statement.

The threat of violence is pervasive, and as Ms. Starr writes, it influences every decision a woman makes. Every time a woman changes her pattern of behavior—for example, when she walks home from work a different way—in order to avoid potential violence such as rape, stalking, domestic assault, she is ultimately making a decision about how to live her life.

The original Violence Against Women Act, enacted in 1994, was a landmark piece of legislation. For the first time, Congress took a comprehensive look at the problem of violence against women, created the programs, and funded the shelters to help women out of these violent situations. Since then, thousands of women across the country have been given the opportunity to free themselves from violence.

But the problem of violence against women has not been solved in these six years since the original bill was signed into law. We must continue to talk about ways in which we can guarantee women's safety, further secure women's rights, and strengthen our ability as a nation to protect those inalienable rights as guaranteed under the Constitution.

After all, how can we defend a woman's right to ''life, liberty, and the pursuit of happiness'' when we cannot as a nation protect women from ''Rape, battery, and the onslaught of violence?''

The Violence Against Women Act of 2000 reauthorizes these fundamental programs. The bill provides funding for grants to prevent campus crimes against women; extends programs to prevent violence in rural areas; builds on the progress we have made in constructing shelters for women who are victims of violent crimes; and strengthens protections for older women from violence.

I believe that no matter whatever else Congress does for women—from enacting public policies and designing specific programs aimed to promote women's health, education, economic security, or safety, we must also ensure that women have equal protection under our country's law and in our constitution. Reauthorizing the Violence Against Women Act programs is an important step in this direction.

It isn't often that Congress can claim to enact a law that literally may mean life or death for a person. The Violence Against Women Act is such a law, and I urge my colleagues to join me in supporting this bill.

Mr. BIDEN. Mr. President, we will not have the opportunity to vote today on the merits of Aimee's Law, but instead, on a jurisdictional issue regarding whether the bill was properly included in the Sex Trafficking Conference Report. Because I believe the jurisdictional objection is unfounded and I am unwilling to jeopardize the passage of the other significant pieces of legislation included in the Conference Report—most importantly, the Biden-Hatch Violence Against Women

Act of 2000—I will vote against Senator THOMPSON's point of order.

I supported a similar version of Aimee's Law in the form of an amendment to the Juvenile Justice bill last year. Upon reflection, however, I believe that my support was misplaced. I am troubled by this legislation from both a practical and a constitutional perspective.

Aimee's Law requires the Attorney General, in any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, when that individual has a prior conviction for any one or more of those offenses in another State, to transfer federal law enforcement assistance funds that have been allocated to the first State in an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, to the second State. The bill contains a ''safe harbor'' exempting from this substantial penalty those States in which No. 1 the individual offender at issue has served 85 percent or more of his term of imprisonment, and No. 2 the average term of imprisonment imposed by the State for the prior offense at issue is at or above the average term of imprisonment imposed for that offense in all States.

As a practical matter, this bill can only promote a ''race to the top,'' as States feel compelled to ratchet up their sentences—not necessarily because they view such a shift as desirable public policy—but in order to avoid losing crucial federal law enforcement funds. Ironically, those States that are apt to benefit most from federal law enforcement assistance may well be those with the poorest record of keeping dangerous offenders behind bars, the same States likely to lose these valuable crime-fighting funds. Nor can States readily assess where they stand relative to other States since they are always striving to hit a moving target and maintain sentences at or above an elusive average of all state sentences for various qualifying offenses.

The law also will spawn an administrative nightmare for the Attorney General, who is charged under the legislation with the responsibility of constantly tabulating and retabulating the average sentences across the nation for a host of different serious offenses, as well as with the responsibility of keeping track of which State's federal funds should be reallocated to which other States every time a released offender commits another qualifying crime. The law even requires the Attorney General to consult with the governors of those States with federal funds at risk to establish a payment schedule. It's no wonder that the nation's governors so strongly oppose this law.

As a constitutional matter, I have grave concerns about Aimee's Law's seeming disregard of basic principles of federalism. Congress's spending authority is undeniably broad. But I have serious reservations about the wisdom and constitutionality of a law that, instead of clearly conditioning a federal grant upon a State's performance of a specific and clearly stated task, penalizes a State for conduct that occurs after the fact and that is not entirely within the State's control—the offender's commission of another serious crime in another State. In this sense, Aimee's Law is far more onerous and far less respectful of fundamental principles of federal-state comity than a straightforward law conditioning federal spending upon the States' adoption of more stringent sentencing laws—the likely result of this legislation. In a climate in which the U.S. Supreme Court is quick to strike down Acts of Congress that, in the Court's view, infringe upon the States' prerogatives, Aimee's Law, I fear, presents an all too inviting target and needlessly risks creating bad precedent regarding the scope of Congress's spending authority.

It is my hope that Congress and the President will monitor the operation of this law and revisit it if necessary.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to thank the Senator from Tennessee for having the courage to speak out against this ill-advised legislation known as Aimee's law. I say he has courage because there is a lot of emotion involved in any debate concerning serious violent crime such as murder, rape, or other sexual offenses. Some have said it is dangerous to vote against, much less speak against, any crime bill that is named after a real person. That is certainly the case here in this incredibly tragic case that underlies this legislation.

I also know that anything goes in a conference, including adding provisions for political reasons that do not withstand even the most basic scrutiny of whether they will work or can even be understood by the people or the entities that are supposed to abide by them.

I am sorry to say that Aimee's law is bad law—perhaps well intentioned—but bad law. I will support the Thompson point of order in order to state my objection to this provision.

The young woman who inspired this bill was tragically raped and murdered in Pennsylvania. A shocking crime was committed against her, against her family, and, indeed against all of us. All of us in this body feel horrible about that crime and its consequences.

But that does not absolve us of the duty to analyze legislation that comes before us, even if it bears the name of a child who was tragically killed. This legislation violates important principles of federalism. It will handcuff our states in their fights against violent crime. And most important, it just won't work. It won't accomplish what its sponsor and supporters say they want to accomplish. So I support Senator THOMPSON's point of order and hope my colleagues will as well.

Before turning to the bill itself, let me again compliment the Senator from Tennessee. He has shown time and time again that his commitment to federalism is principled and real. He does not oppose federal intrusion into state affairs as a political tactic, as I fear so many of my colleagues do. He truly believes that our states deserve autonomy and is willing to stand up for them, even when it is politically unpopular, as it no doubt is here.

I want the Senator from Tennessee to know that I respect his principles as well as support them. We miss his judgment and restraint, I must say, in the Judiciary Committee on which he served until the beginning of this Congress.

Here, of course, we are not preparing to pass a new federal murder, rape, or sexual offense statute. But we might as well do that because in Aimee's Law we are forcing the states through the use of federal law enforcement assistance funds to increase their penalties for these offenses. Since when is it the province of the federal government to determine the sentences for state crimes? That is what we are doing here.

Mr. President, in addition to furthering the federalization of the criminal law, this provision is very poorly thought out. As the National Governors Association, the National Conference of State Legislatures, the Council of State Governments and the Department of Justice have told us, it won't work. Even if states wish to comply with this law they won't be able to do.

Here's why: Under this bill, if a person who has been convicted of a murder, rape or dangerous sexual offense is released from prison and commits a serious crime in another state, the original state becomes liable to the second state for all the costs of investigation, prosecution, and incarceration of the second crime. To avoid that liability, which the Attorney General must enforce through reallocation of the second states' federal law enforcement assistance funds, the second state must comply with two conditions.

First, it must make sure that persons convicted of these serious offenses serve at least 85 percent of their sentences. So far, so good. States can comply with that federal sentencing requirement if they want to avoid risking their federal money. But the federal coercion doesn't stop there. The state must make sure that the average sentence for the original crime is greater than the average sentence for such crimes in all the states. This is a remarkable condition, Mr. President, that actually makes it impossible for all 50 states to be in compliance at any one time.

Now Mr. President, think about this. Suppose a state determines that its average sentence for rape is 20 years, but the average for all states for that crime is 25 years. So the state raises its sentence to 26 years. That act will

itself change the average sentence for all the states, possibly putting other states under the average and encouraging them to raise their sentences. The average sentence for all the states will therefore almost never be constant or predictable. Every time a state changes its sentencing guidelines to try to get above the average, the average will change and other states will be forced to revise their own sentences. We will have rolling averages and no certainty in sentencing or in the availability of federal money for important state law enforcement purposes.

And that does not even take into account that the average sentence for an individual state will even sometimes change as different criminals are convicted and sentenced to slightly different terms. So the averages that states are supposed to keep track of in order to keep their law enforcement assistance funds will literally change day by day. This bill is an administrative nightmare for our states, even if they want to comply.

I ask unanimous consent that a letter from the Secretary of the Wisconsin Department of Corrections in opposition to this bill be printed in the RECORD at the conclusion of my statement.

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

(See Exhibit 1.)

Mr. FEINGOLD. After setting out a number of the difficulties of complying with this bill, Secretary Jon Litscher concludes the following:

> Given the complexity of administering this bill and pitting one state against another, I don't believe this legislation will enhance the criminal justice system.

I believe that Mr. Litscher's view is shared by criminal justice professionals all over the country, along with Governors and other elected officials, all of whom are working just as hard to reduce violent crime as the sponsors of this bill.

I cannot leave this topic of how this provision creates a ''race to the top'' in sentencing without commenting on how it will effect the death penalty. Currently, 38 states have the death penalty for some crimes. That is more than half the states. Now I am not sure how you calculate an average sentence when some jurisdictions use the death penalty. But there would certainly be a strong argument that the states that do not use the death penalty will risk losing federal law enforcement assistance funds if a convicted murderer is let out on parole and commits another serious crime. Basically, this policy could force states to either enact the death penalty or never release a person convicted of murder on parole.

Now maybe that is what some people want. But I believe that whether to impose the ultimate penalty of death should be up to the states and their citizens. Federal coercion has no place in this question of conscience. A number of states, including my own, have long and proud histories of opposition to the death penalty. We should not use federal funds to force them to change their positions.

If this bill had gone through the Judiciary Committee, some of the difficulties in interpreting and applying it might have been worked out. Here all the negotiating has gone on behind closed doors. This is what happens when the normal legislative process is circumvented as it has been so often this year. It's now the norm for the majority to look for conference reports as vehicles for bills that they want to enact without going through the legislative process.

We used to have a rule, as my colleagues know, that prevented items from being added to a conference report that were beyond the scope of the conference. Last year, the minority leader offered an amendment to restore the rule, but it was voted down on a near party line vote.

So now, anything goes in a conference, including adding provisions for purely political reasons that don't withstand even the most basic scrutiny of whether they will work, or can even be understood by the people or entities that are supposed to abide by them. I am sorry to say that Aimee's law is bad law. Perhaps well-intentioned, but bad law. I will support the Thompson point of order in order to state my objection to this provision.

I yield the floor.

EXHIBIT 1

STATE OF WISCONSIN,
DEPARTMENT OF CORRECTIONS,
Madison, WI, October 10, 2000.

Hon. RUSSELL D. FEINGOLD,
U.S. Senator,
Washington, DC.

DEAR SENATOR FEINGOLD: It has come to my attention that the provisions of H.R. 894 (Aimee's Law) have been attached to other legislation that may be considered by the United States Senate on Wednesday, October 11th. I am very concerned about the negative fiscal/policy ramifications on the Department of Corrections and the State of Wisconsin.

Aimee's law provides that in any case in which a person is convicted of a dangerous sexual offense, murder or rape, and that person has been previously convicted of that offense in another state, the state of the prior conviction will incur fiscal liabilities. It will have deducted from its federal criminal justice funds the cost of apprehension, prosecution and incarceration of the offender. These funds will then be transferred to the state where the subsequent offense occurred.

This legislation has a very confusing array of provisions. For example:

1. Retroactivity—While this bill has an effective date of January 1, 2002, it doesn't appear to have an applicability section that is normally drafted into bills introduced in the Wisconsin legislature. Many states have passed truth-in-sentencing laws that make them eligible for federal grant money. However, a state cannot change the sentencing structure for persons sentenced under a prior law. Wisconsin's truth-in-sentencing law (TIS) applies to persons who commit a felon on or after December 31, 1999 and inmates must serve 100% of the term of imprisonment imposed by the court.

2. Section (3)(a), ''the average term of imprisonment imposed by State . . .'' does not specify the term nor time period in which the averaging figure applies—does it apply at the time of sentencing for a similar crime across all states? Is the average for a specific time frame? Does the sentencing average only apply to cases sentenced to prison, or does it include persons sentenced to a jail term and probation? We don't know what the nationwide average is now and this figure will constantly be changing.

3. Determination of Comparable State Statutes—There is no uniform criminal code for all states. It will be very difficult to determine comparable state statutes to ''Dangerous Sexual Offense,'' ''Murder,'' and ''Rape.'' This will be subject to significant variation across the nation.

This bill pits each state against the others. The costs associated with administration of the law, and the resulting ''loss'' of funds may be greater than the grant funds to which the state would otherwise be entitled. States may opt to not administer the law (not ''charge'' another state) so that another state will not charge them. Enforcement of this law will be dependent upon each state agreeing to fully implement its provisions.

If the intent of the bill is to insure that each state has implemented TIS, retroactive application is unnecessary. You only need to apply the bill to states that haven't passed TIS and exempt those that have enacted laws that require at least 85% of a term of imprisonment to be served.

Given the complexity of administering this bill and the pitting of one state against another, I don't believe this legislation will enhance the criminal justice system.

Thank you for taking the time to consider my comments.

Sincerely,

JON E. LITSCHER,
Secretary.

The PRESIDING OFFICER. The hour of 4:30 p.m. having arrived, under the previous order the Senate will now proceed to a vote in relation to the appeal of the Senator from Tennessee. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—90

Abraham	Bunning	Dodd
Akaka	Burns	Domenici
Allard	Byrd	Dorgan
Ashcroft	Campbell	Durbin
Baucus	Chafee, Lincoln	Edwards
Bayh	Cleland	Enzi
Bennett	Cochran	Fitzgerald
Biden	Collins	Frist
Bingaman	Conrad	Gorton
Boxer	Craig	Graham
Breaux	Crapo	Gramm
Brownback	Daschle	Grams
Bryan	DeWine	Grassley

Gregg	Lincoln	Roth
Harkin	Lott	Santorum
Hatch	Lugar	Sarbanes
Hollings	Mack	Schumer
Hutchinson	McCain	Sessions
Hutchison	McConnell	Shelby
Inouye	Mikulski	Smith (NH)
Jeffords	Miller	Smith (OR)
Johnson	Moynihan	Snowe
Kennedy	Murkowski	Specter
Kerrey	Murray	Stevens
Kohl	Nickles	Thomas
Kyl	Reed	Thurmond
Landrieu	Reid	Torricelli
Lautenberg	Robb	Warner
Leahy	Roberts	Wellstone
Levin	Rockefeller	Wyden

NAYS—5

Bond	Hagel	Voinovich
Feingold	Thompson	

NOT VOTING—5

Feinstein	Inhofe	Lieberman
Helms	Kerry	

The PRESIDING OFFICER. On this vote, the yeas are 90; the nays are 5. The decision of the Chair stands as the judgment of the Senate.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BROWNBACK. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—95

Abraham	Cochran	Grassley
Akaka	Collins	Gregg
Allard	Conrad	Hagel
Ashcroft	Craig	Harkin
Baucus	Crapo	Hatch
Bayh	Daschle	Hollings
Bennett	DeWine	Hutchinson
Biden	Dodd	Hutchison
Bingaman	Domenici	Inouye
Bond	Dorgan	Jeffords
Boxer	Durbin	Johnson
Breaux	Edwards	Kennedy
Brownback	Enzi	Kerrey
Bryan	Feingold	Kohl
Bunning	Fitzgerald	Kyl
Burns	Frist	Landrieu
Byrd	Gorton	Lautenberg
Campbell	Graham	Leahy
Chafee, L.	Gramm	Levin
Cleland	Grams	Lincoln
Lott	Reid	Snowe
Lugar	Robb	Specter
Mack	Roberts	Stevens
McCain	Rockefeller	Thomas
McConnell	Roth	Thompson
Mikulski	Santorum	Thurmond
Miller	Sarbanes	Torricelli
Moynihan	Schumer	Voinovich
Murkowski	Sessions	Warner
Murray	Shelby	Wellstone
Nickles	Smith (NH)	Wyden
Reed	Smith (OR)	

NOT VOTING—5

Feinstein	Inhofe	Lieberman
Helms	Kerry	

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT OF 2001—VETO

The PRESIDING OFFICER. The Senate having received a veto message on H.R. 4733, under the previous order, the message is considered as having been read, the message will be printed in the RECORD and spread in full upon the Journal, and referred to the Committee on Appropriations.

The veto message ordered to be printed in the RECORD is as follows:

To the House of Representatives:

I am returning herewith without my approval, H.R. 4733, the ''Energy and Water Development Appropriations Act, 2001.'' The bill contains an unacceptable rider regarding the Army Corps of Engineers' master operating manual for the Missouri River. In addition, it fails to provide funding for the California-Bay Delta Initiative and includes nearly $700 million for over 300 unrequested projects.

Section 103 would prevent the Army Corps of Engineers from revising the operating manual for the Missouri River that is 40 years old and needs to be updated based on the most recent scientific information. In its current form, the manual simply does not provide an appropriate balance among the competing interests, both commercial and recreational, of the many people who seek to use this great American river. The bill would also undermine implementation of the Endangered Species Act by preventing the Corps of Engineers from funding reasonable and much-needed changes to the operating manual for the Missouri River. The Corps and the U.S. Fish and Wildlife Service are entering a critical phase in their Section 7 consultation on the effects of reservoir project operations. This provision could prevent the Corps from carrying out a necessary element of any reasonable and prudent alternative to avoid jeopardizing the continued existence of the endangered least tern and pallid sturgeon, and the threatened piping plover.

In addition to the objectionable restriction placed upon the Corps of Engineers, the bill fails to provide funding for the California-Bay Delta initiative. This decision could significantly hamper ongoing Federal and State efforts to restore this ecosystem, protect the drinking water of 22 million Californians, and enhance water supply and reliability for over 7 million acres of highly productive farmland and growing urban areas across California. The $60 million budget request, all of which would be used to support activities that can be carried out using existing authorities, is the minimum necessary to ensure adequate Federal participation in these initiatives, which are essential to reducing existing conflicts among water users in California. This funding should be provided without legislative restrictions undermining key environmental statutes or disrupting the balanced approach to meeting the needs of water users and the environment that has been carefully developed through almost 6 years of work with the State of California and interested stakeholders.

The bill also fails to provide sufficient funding necessary to restore endangered salmon in the Pacific Northwest, which would interfere with the Corps of Engineers' ability to comply with the Endangered Species Act, and provides no funds to start the new construction project requested for the Florida Everglades. The bill also fails to fund the Challenge 21 program for environmentally friendly flood damage reduction projects, the program to modernize Corps recreation facilities, and construction of an emergency outlet at Devil's Lake. In addition, it does not fully support efforts to research and develop nonpolluting, domestic sources of energy through solar and renewable technologies that are vital to American's energy security.

Finally, the bill provides nearly $700 million for over 300 unrequested projects, including: nearly 80 unrequested projects totaling more than $330 million for the Department of Energy; nearly 240 unrequested projects totaling over $300 million for the Corps of Engineers; and, more than 10 unrequested projects totaling in excess of $10 million for the Bureau of Reclamation. For example, more than 80 unrequested Corps of Engineers construction projects included in the bill would have a long-term cost of nearly $2.7 billion. These unrequested projects and earmarks come at the expense of other initiatives important to taxpaying Americans.

The American people deserve government spending based upon a balanced approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut, establishes a new voluntary Medicare prescription drug benefit in the context of broader reforms, expends health care coverage to more families, and funds critical investments for our future. I urge the