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Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:32 a.m. on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The Chaplain will now deliver the opening prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The Psalmist gives us a timely word for this pressured week, ''Cast your burden on the Lord, and He will sustain you.''—Psalm 55:22.

Let us pray.

Gracious God, we come to You with our burdens. You know that we all carry both personal and professional burdens. Beneath the surface of studied composure, we all have loved ones for whom we are concerned, friends who are troubled, and unresolved problems about which we find it difficult to stop worrying.

At many different levels, we feel the tension of finishing the work of the 106th Congress. The election approaches with additional burdens for Senators running for reelection. Challenges here do not let up, and the problems in the state mount up. Meanwhile, peace of mind is up for grabs as we struggle with differing agendas for the legislation before the Senate.

Lord, could it be that if we all—Republicans and Democrats, Senators and staff—stopped in our tracks and really asked for Your help, You would intervene and help this Senate achieve unity with both excellence and efficiency? In our heart of hearts we know You would, and will, if we ask You with a united voice of earnestness. Dear God, bless this Senate. We relinquish our control and ask You to take charge. It's hard to be willing, but we are willing to allow You to make us willing. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Kansas is recognized.

SCHEDULE

Mr. BROWNBACK. Mr. President, today the Senate will begin debate on the conference report to accompany H.R. 3244, the sex trafficking victims legislation. I want to start this discussion and debate off with thanking my good friend and colleague, Senator PAUL WELLSTONE. He and I have worked together on this bill the entire year. We have come at this from different points of view. I think we have worked together and come up with an excellent proposal and package. I hope for unanimous support from the Senate.

We got near that in the House, with a vote of 377–1. I have spoken with that one person who deeply regrets voting against us on this bill. It was actually for another provision that was in the bill. This is an important piece of legislation.

The sex trafficking victims legislation is here under a previous order, and there will be up to 7 hours of debate on the conference report we are going to discuss. Senator THOMPSON will raise a point of order against the report and is expected to appeal the ruling of the Chair. Therefore, a vote on the appeal, as well as a vote on adoption of the conference report, is expected to occur during this afternoon's session. The Senate will also consider the VA–HUD appropriations bill and the conference report to accompany the Agriculture appropriations bill, with votes on both expected to occur prior to today's adjournment.

I thank my colleagues for their attention.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000—CONFERENCE REPORT

The PRESIDING OFFICER. The Senate will now proceed to the conference report accompanying H.R. 3244.

The clerk will report the conference report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill, H.R. 3244, an act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 5, 2000.)

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I believe under the uniform unanimous consent agreement that we have, time has been allocated to several different Members of the Senate to speak on this conference report; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BROWNBACK. Mr. President, let me start this debate and discussion with the story of Irina. Irina's story appeared in the New York Times not that long ago, and it is similar to the story of a number of women with whom I have met and who have been caught in this situation of sex trafficking—young ladies I met with in Nepal, and several testified in committee. I think Irina's story tells in graphic detail why this is a problem and why the Senate needs to act.

Irina always assumed that her beauty would somehow rescue her from the poverty and hopelessness of village life. A few months ago, after answering a vague ad in a small Ukrainian newspaper, she slipped off a tour boat when it put in at Haifa, hoping to make a bundle dancing naked on the tops of tables.

She was 21, self-assured and glad to be out of Ukraine. Israel offered a new world, and for a week or two everything seemed possible. Then, one morning, she was driven to a brothel, where her boss burned her passport before her eyes.

''I own you,'' she recalled his saying. ''You are my property and you will work until you earn your way out. Don't try to leave. You have no papers and you don't speak Hebrew. You will be arrested and deported. Then we will get you and bring you back.''

That was her master. The article goes on.

It happens every single day. Not just in Israel, which has deported nearly 1,500 Russian and Ukrainian women like Irina in the past three years. But throughout the world, where selling naive and desperate young women into sexual bondage has become one of the fastest-growing criminal enterprises in the robust global economy.

. . . Many end up like Irina. Stunned and outraged by the sudden order to prostitute herself, she simply refused. She was beaten and raped before she succumbed. Finally she got a break. The brothel was raided and she was brought here [to another place], the only women's prison in Israel. Now, like hundreds of Ukrainian and Russian women with no documents or obvious forgeries, she is waiting to be sent home.

This is a quote from Irina:

''I don't think the man who ruined my life will even be fined,'' she said softly, slow tears filling her enormous green eyes. ''You can call me a fool for coming here. That's my crime. I am stupid. A stupid girl from a little village. But can people really buy and sell women and get away with it? Sometimes I sit here and ask myself if that really happened to me, if it can really happen at all.''

Then, waving her arm toward a muddy prison yard, where Russian is spoken more commonly than Hebrew, she whispered one last thought: ''I am not the only one, you know. They have ruined us all.''

I ask unanimous consent to have printed in the RECORD the full text of this article.

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

TRAFFICKERS' NEW CARGO: NAIVE SLAVIC WOMEN

(By Michael Specter)

RAMLE, ISRAEL.—Irina always assumed that her beauty would somehow rescue her from the poverty and hopelessness of village life. A few months ago, after answering a vague ad in a small Ukrainian newspaper, she slipped off a tour boat when it put in at Haifa, hoping to make a bundle dancing naked on the tops of tables.

She was 21, self-assured and glad to be out of Ukraine. Israel offered a new world, and for a week or two everything seemed possible. Then, one morning, she was driven to a brothel, where her boss burned her passport before her eyes.

''I own you,'' she recalled his saying. ''You are my property and you will work until you earn your way out. Don't try to leave. You have no papers and you don't speak Hebrew. You will be arrested and deported. Then we will get you and bring you back.''

It happens every single day. Not just in Israel, which has deported nearly 1,500 Russian and Ukrainian women like Irina in the past three years. But throughout the world, where selling naive and desperate young women into sexual bondage has become one of the fastest-growing criminal enterprises in the robust global economy.

The international bazaar for women is hardly new, of course. Asians have been its basic commodity for decades. But economic hopelessness in the Slavic world has opened what experts call the most lucrative market of all to criminal gangs that have flourished since the fall of Communism: white women with little to sustain them but their dreams. Pimps, law enforcement officials and relief groups all agree that Ukrainian and Russian women are now the most valuable in the trade.

Because their immigration is often illegal—and because some percentage of the women choose to work as prostitutes—statistics are difficult to assess. But the United Nations estimates that four million people throughout the world are trafficked each year—forced through lies and coercion to work against their will in many types of servitude. The International Organization for Migration has said that as many as 500,000 women are annually trafficked into Western Europe alone.

Many end up like Irina. Stunned and outraged by the sudden order to prostitute herself, she simply refused. She was beaten and raped before she succumbed. Finally she got a break. The brothel was raided and she was brought here to Neve Tirtsa in Ramle, the only women's prison in Israel. Now, like hundreds of Ukrainian and Russian women with no documents or obvious forgeries, she is waiting to be sent home.

''I don't think the man who ruined my life will even be fined,'' she said softly, slow tears filling her enormous green eyes. ''You can call me a fool for coming here. That's my crime. I am stupid. A stupid girl from a little village. But can people really buy and sell women and get away with it? Sometimes I sit here and ask myself if that really happened to me, if it can really happen at all.''

Then, waving her arm toward the muddy prison yard, where Russian is spoken more commonly than Hebrew, she whispered one last thought: ''I'm not the only one, you know. They have ruined us all.''

TRAFFIC PATTERNS: RUSSIA AND UKRAINE SUPPLY THE FLESH

Centered in Moscow and the Ukrainian capital, Kiev, the networks trafficking women run east to Japan and Thailand, where thousands of young Slavic women now work against their will as prostitutes, and west to the Adriatic Coast and beyond. The routes are controlled by Russian crime gangs based in Moscow. Even when they do not specifically move the women overseas, they provide security, logistical support, liaison with brothel owners in many countries and, usually, false documents.

Women often start their hellish journey by choice. Seeking a better life, they are lured by local advertisements for good jobs in foreign countries at wages they could never imagine at home.

In Ukraine alone, the number of women who leave is staggering. As many as 400,000 women under 30 have gone in the past decade, according to their country's Interior Ministry. The Thai Embassy in Moscow, which processes visa applications from Russia and Ukraine, says it receives nearly 1,000 visa applications a day, most of these from women.

Israel is a fairly typical destination. Prostitution is not illegal here, although brothels are, and with 250,000 foreign male workers—most of whom are single or here without their wives—the demand is great. Police officials estimate that there are 25,000 paid sexual transactions every day. Brothels are ubiquitous.

None of the women seem to realize the risks they run until it is too late. Once they cross the border their passports will be confiscated, their freedoms curtailed and what little money they have taken from them at once.

''You want to tell these kids that if something seems too good to be true it usually is,'' said Lyudmilla Biryuk, a Ukrainian psychologist who has counseled women who have escaped or been released from bondage. ''But you can't imagine what fear and real ignorance can do to a person.''

The women are smuggled by car, bus, boat and plane. Handed off in the dead of night, many are told they will pick oranges, work

as dancers or as waitresses. Others have decided to try their luck at prostitution, usually for what they assume will be a few lucrative months. They have no idea of the violence that awaits them.

The efficient, economically brutal routine—whether here in Israel, or in one of a dozen other countries—rarely varies. Women are held in apartments, bars and makeshift brothels; there they service, by their own count, as many as 15 clients a day. Often they sleep in shifts, four to a bed. The best that most hope for is to be deported after the police finally catch up with their captors.

Few ever testify. Those who do risk death. Last year in Istanbul, Turkey, according to Ukrainian police investigators, two women were thrown to their deaths from a balcony while six of their Russian friends watched.

In Serbia, also last year, said a young Ukrainian woman who escaped in October, a woman who refused to work as a prostitute was beheaded in public.

In Milan a week before Christmas, the police broke up a ring that was holding auctions in which women abducted from the countries of the former Soviet Union were put on blocks, partially naked, and sold at an average price of just under $1,000.

''This is happening wherever you look now,'' said Michael Platzer, the Vienna-based head of operations for the United Nations' Center for International Crime Prevention. ''The mafia is not stupid. There is less law enforcement since the Soviet Union fell apart and more freedom of movement. The earnings are incredible. The overhead is low—you don't have to buy cars and guns. Drugs you sell once and they are gone. Women can earn money for a long time.''

''Also,'' he added, ''the laws help the gangsters. Prostitution is semilegal in many places and that makes enforcement tricky. In most cases punishment is very light.''

In some countries, Israel among them, there is not even a specific law against the sale of human beings.

Mr. Platzer said that although certainly ''tens of thousands'' of women were sold into prostitution each year, he was uncomfortable with statistics since nobody involved has any reason to tell the truth.

''But if you want to use numbers,'' he said, ''think about this. Two hundred million people are victims of contemporary forms of slavery. Most aren't prostitutes, of course, but children in sweatshops, domestic workers, migrants. During four centuries, 12 million people were believed to be involved in the slave trade between Africa and the New World. The 200 million—and many of course are women who are trafficked for sex—is a current figure. It's happening now. Today.''

DISTRESS CALLS: FAR-FLUNG VICTIMS PROVIDE FEW CLUES

The distress call came from Donetsk, the bleak center of coal production in southern Ukraine. A woman was screaming on the telephone line. Her sister and a friend were prisoners in a bar somewhere near Rome. They spoke no Italian and had no way out, but had managed, briefly, to get hold of a man's cell phone.

''Do you have any idea where they are, exactly?'' asked Olga Shved, who runs La Strada in Kiev, Ukraine's new center dedicated to fighting the trafficking of women in Eastern Europe and the countries of the former Soviet Union.

The woman's answer was no. Ms. Shved began searching for files and telephone numbers of the local consul, the police, anybody who could help.

''Do they know how far from Rome they are?'' she asked, her voice tightening with each word. ''What about the name of the street or bar? Anything will help,'' she said, jotting notes furiously as she spoke. ''We can get the police on this, but we need something. If they call back, tell them to give us a clue. The street number. The number of a bus that runs past. One thing is all we need.''

Ms. Shved hung up and called officials at Ukraine's Interior Ministry and the Foreign Ministry. Her conversations were short, direct and obviously a routine part of her job.

That is because Ukraine—and to a lesser degree its Slavic neighbors Russia and Belarus—has replaced Thailand and the Philippines as the epicenter of the global business in trafficking women. The Ukrainian problem has been worsened by a ravaged economy, an atrophied system of law enforcement, and criminal gangs that grow more brazen each year. Young European women are in demand, and Ukraine, a country of 51 million people, has a seemingly endless supply. It is not that hard to see why.

Neither Russia nor Ukraine reports accurate unemployment statistics. But even partial numbers present a clear story of chaos and economic dislocation. Federal employment statistics in Ukraine indicate that more than two-thirds of the unemployed are women. The Government also keeps another statistic: employed but not working. Those are people who technically have jobs, and can use company amenities like day-care centers and hospitals. But they do not work or get paid. Three-quarters are women. And of those who have lost their jobs since the Soviet Union dissolved in 1991, more than 80 percent are women.

The average salary in Ukraine today is slightly less than $30 a month, but it is half that in the small towns that criminal gangs favor for recruiting women to work abroad. On average, there are 30 applicants for every job in most Ukrainian cities. There is no real hope; but there is freedom.

In that climate, looking for work in foreign countries has increasingly become a matter of survival.

''It's no secret that the highest prices now go for the white women,'' said Marco Buffo, executive director of On the Road, an anti-trafficking organization in northern Italy. ''They are the novelty item now. It used to be Nigerians and Asians at the top of the market. Now it's the Ukrainians.''

Economics is not the only factor causing women to flee their homelands. There is also social reality. For the first time, young women in Ukraine and Russia have the right, the ability and the willpower to walk away from their parents and their hometowns. Village life is disintegrating throughout much of the former Soviet world, and youngsters are grabbing any chance they can find to save themselves.

''After the wall fell down, the Ukrainian people tried to live in the new circumstances,'' said Ms. Shved. ''It was very hard, and it gets no easier. Girls now have few and opportunities yet great freedom. They see 'Pretty Woman,' or a thousand movies and ads with the same point, that somebody who is rich can save them. The glory and ease of wealth is almost the basic point of the Western advertising that we see. Here the towns are dying. What jobs there are go to men. So they leave.''

First, however, they answer ads from employment agencies promising to find them work in a foreign country. Here again, Russian crime gangs play a central role. They often recruit people through seemingly innocuous ''mail order bride'' meetings. Even when they do not, few such organizations can operate without paying off one gang or another. Sometimes want ads are almost honest, suggesting that the women earn up to $1,000 a month as ''escorts'' abroad. Often they are vague or blatantly untrue.

RECRUITING METHODS: ADS MAKE OFFERS TOO GOOD TO BE TRUE

One typical ad used by traffickers in Kiev last year read: ''Girls: Must be single and very pretty. Young and tall. We invite you for work as models, secretaries, dancers, choreographers, gymnasts. Housing is supplied. Foreign posts available. Must apply in person.''

One young woman who did, and made it back alive, described a harrowing journey. ''I met these guys and they asked if I would work at a strip bar,'' she said. ''Why not, I thought. They said we would have to leave at once. We went by car to the Slovak Republic where they grabbed my passport. I think they got me new papers there, but threatened me if I spoke out. We made it to Vienna, then to Turkey. I was kept in a bar and I was told I owed $5,000 for my travel. I worked for three days, and on the fourth I was arrested.''

Lately, the ads have started to disappear from the main cities—where the realities of such offers are known now. These days the appeals are made in the provinces, where their success is undiminished.

Most of the thousands of Ukrainian women who go abroad each year are illegal immigrants who do not work in the sex business. Often they apply for a legal visa—to dance, or work in a bar—and then stay after it expires.

Many go to Turkey and Germany, where Russian crime groups are particularly powerful. Israeli leaders say that Russian women—they tend to refer to all women from the former Soviet Union as Russian—disappear off tour boats every day. Officials in Italy estimate that at least 30,000 Ukrainian women are employed illegally there now.

Most are domestic workers, but a growing number are prostitutes, some of them having been promised work as domestics only to find out their jobs were a lie. Part of the problem became clear in a two-year study recently concluded by the Washington-based nonprofit group Global Survival Network: police officials in many countries just don't care.

The network, after undercover interviews with gangsters, pimps and corrupt officials, found that local police forces—often those best able to prevent trafficking—are least interested in helping.

Gillian Caldwell of Global Survival Network has been deeply involved in the study. ''In Tokyo,'' she said, ''a sympathetic senator arranged a meeting for us with senior police officials to discuss the growing prevalence of trafficking from Russia into Japan. The police insisted it wasn't a problem, and they didn't even want the concrete information we could have provided. That didn't surprise local relief agencies, who cited instances in which police had actually sold trafficked women back to the criminal networks which had enslaved them.''

OFFICIAL REACTIONS: BEST-PLACED TO HELP, BUT LEAST INCLINED

Complacency among police agencies is not uncommon.

''Women's groups want to blow this all out of proportion,'' said Gennadi V. Lepenko, chief of Kiev's branch of Interpol, the international police agency. ''Perhaps this was a problem a few years ago. But it's under control now.''

That is not the view at Ukraine's Parliament—which is trying to pass new laws to protect young women—or at the Interior Ministry.

''We have a very serious problem here and we are simply not equipped to solve it by ourselves,'' said Mikhail Lebed, chief of criminal investigations for the Ukrainian Interior Ministry. ''It is a human tragedy, but

also, frankly, a national crisis. Gangsters make more from these women in a week than we have in our law enforcement budget for the whole year. To be honest, unless we get some help we are not going to stop it.''

But solutions will not be simple. Criminal gangs risk little by ferrying women out of the country; indeed, many of the women go voluntarily. Laws are vague, cooperation between countries rare and punishment of traffickers almost nonexistent. Without work or much hope of a future at home, an eager teenager will find it hard to believe that the promise of a job in Italy, Turkey or Israel is almost certain to be worthless.

''I answered an ad to be a waitress,'' said Tamara, 19, a Ukrainian prostitute in a massage parlor near Tel Aviv's old Central Bus Station, a Russian-language ghetto for the cheapest brothels. ''I'm not sure I would go back now if I could. What would I do there, stand on a bread line or work in a factory for no wages?''

Tamara, like all other such women interviewed for this article, asked that her full name not be published. She has classic Slavic features, with long blond hair and deep green eyes. She turned several potential customers away so she could speak at length with a reporter. She was willing to talk as along as her boss was out. She said she was not watched closely while she remained within the garish confines of the ''health club.''

''I didn't plan to do this,'' she said, looking sourly at the rich red walls and leopard prints around her. ''They took my passport, so I don't have much choice. But they do give me money. And believe me, it's better than anything I could ever get at home.''

* * * * *

Mr. BROWNBACK. Mr. President, Irina's story is told all too often and is reenacted all too often around the world today. Our Government estimates that between 600,000 and 2 million women are trafficked each year beyond international borders. They are trafficked for the purpose of sexual prostitution by organized crime units and groups that are aggressively out making money off the trafficking of human flesh. It is wrong. This bill seeks to deal with that wrong and that tragedy that has occurred and is occurring around the world today.

This is significant human rights legislation that this body is going to pass. I hope, predict, and pray that it will pass today. It is significant human rights legislation for those poor young victims who are trafficked and who are caught sometimes with the view that, ''I am just stupid, I got caught in this,'' but who live this horrible, hellish life they have been put into and trafficked into and can't find their way out.

The conference report is entitled ''The Victims of Trafficking and Violence Protection Act of 2000.'' As I mentioned previously, it passed the House of Representatives on Friday, October 6, by a vote of 371–1.

The Senate will vote on this conference report today, with the lead underlying bill being the Brownback-Wellstone anti-trafficking legislation. Senator WELLSTONE and I have been working for the last year on this legislation, which is a companion to the Smith-Gejdenson bill in the House known as the Trafficking Victims Protection Act of 2000.

I want to thank and recognize my staff, Sharon Payt and Karen Knutson, two people who have worked tirelessly and endlessly to deal with this particular issue.

Our anti-trafficking bill is the first complete legislation to address the growing practice of international ''trafficking'' worldwide. This is one of the largest manifestations of modern-day slavery internationally. Notably, this legislation is the most significant human rights bill of the 106th Congress, if passed today, as hoped for. This is also the largest anti-slavery bill that the United States has adopted since 1865 and the demise of slavery at the end of the Civil War. Therefore, I greatly anticipate this vote today in the Senate on this legislation.

Senator WELLSTONE's and my trafficking bill, which passed in the Senate on July 27 of this year, was conferenced to reconcile the differences with the House bill, and the conference report was filed on October 5, Thursday, of last week. The final conference package contains four additional pieces of legislation which are substantially appropriate to our bill. Most significant among those bill amendments is the Violence Against Women Act, known as VAWA, which provides relief and assistance to those who suffer domestic violence in America. Thus, the additional four bills included in this conference report include the Violence Against Women Act. This is a reauthorization of the initial bill which was passed in 1994 as part of the Omnibus Crime Control Act; this legislation renews several grant programs to assist law enforcement officers, social service providers, and others dealing with sexual crime and domestic violence.

Also in this package is Aimee's law, which provides for interstate compensation for the costs of incarceration of early-release sex offenders who commit another sex crime in a second State. It is based on the circumstances of what happened in a Pennsylvania case where a murderer was released early out of a Nevada prison, went to Pennsylvania, and kidnapped and brutally raped and murdered a young girl there who was in the very flower of life and coming forth. This law is built upon that terrible crime that took place in Pennsylvania.

Also in this package is the 21st Amendment Enforcement Act, which allows for State attorneys general to enforce their State alcohol control laws in Federal court, including laws prohibiting sales to minors, which strengthens the grant of authority to States under the 21st amendment to the Constitution; and the Justice for Victims of Terrorism Act, which authorizes the payment of foreign seized assets to American victims of international terrorism.

The last step to adopting this legislative package in Congress rests with the Senate today.

Before I continue describing this urgently needed legislation, I would like to take a few moments to thank some key people who have brought us to this point today. Some of them are in the Galleries as I speak. They are people of heart, courage, and intelligence whose advocacy made a way for this bill—whose dedication pried open the doors and let the light shine into this darkness. Among them is Senator WELLSTONE who started this work long before I came on board. He and his wife, most notably, 3 years ago started advocating on this particular issue. I know he stands firmly and strongly today as one of the principal advocates to set this aside, and he brought this forward and seeks to go forward from here to help those who are victims of these crimes.

I also thank Congressmen CHRIS SMITH and SAM GEJDENSON. I would also like to thank Gary Haugen of the International Justice Mission and Dr. Laura Lederter of the Protect Project at Johns Hopkins University. Dr. Laura Lederter of the Protect Project at Johns Hopkins University is the foremost authority in the country on tracking from where and to where these victims are trafficked.

I have up here one of the maps she introduced of women who have been trafficked out of Russia and Ukraine with the fall of the Soviet Union. With the increased travel out of there to freedom, we have seen a huge amount of trafficking also taking place. These are the routes out of Russia and Ukraine and where they go—to Canada, to the United States, to Mexico, to Europe, to Africa and Asia, to Australia and New Zealand. This is the work of her project.

I also want to thank Michael Horowitz of the Hudson Institute, and Gloria Steinem, whom I am not noted to thank, is part of this coalition; Chuck Colson, Jessica Neuworth, William Bennett, the National Association of Evangelicals, the Southern Baptist Convention, among others I'm sure I'm forgetting. I would also like to thank the staff for both the Senate and House, including Joseph Rees, David Abramowitz, Charlotte Oldham-Moore, Jill Hickson, Mark Lagon, and my staff Karen Knutson and Sharon Payt. Thank you all. We are here today at final passage because of all your efforts.

This legislation is our best opportunity to challenge the largest manifestation of slavery worldwide, known as ''trafficking.'' This practice of trafficking involves the coercive transportation of persons into slavery-like conditions, primarily involving forced prostitution, among other forms of slavery-like conditions.

Trafficking is the new slavery of the world. These victims are routinely forced against their will into the sex trade, transported across international borders, and left defenseless in a foreign country. This bill also addresses the insidious practice known as ''debt bondage,'' wherein a person can be enslaved to the money lender for an entire lifetime because of a $50 debt

taken by the family for an emergency. This is a common practice in countries throughout the South Asian region.

People of conscience have fought against the different manifestations of slavery for centuries. This anti-slavery legislation is in the tradition of William Wilberforce and Amy Carmichael of England, who were ardent abolitionists against different forms of slavery. Amy Carmichael was a British missionary to India at the turn of last century, in the early 1900's. Upon arrival, she was mortified to discover the routine practice of forced temple prostitution. This was and continues to be a practice wherein young girls, from age six onward, are dedicated to the local temple, and are then forced into prostitution against their will to generate income. Upon this morbid discovery, Amy Carmichael began to physically steal the young girls away from this incredibly degrading form of slavery, hiding the girls to escape the inevitable backlash of violence. Eventually, the government outlawed this practice of forced temple prostitution, as a result of her efforts. However, it bears noting that this terrible practice continues today, in a lesser degree, in rural villages throughout South Asia, including India.

This bill challenges the myriad forms of slavery including sex trafficking, temple prostitution, and debt bondage, among other forms.

This new phenomenon of sex trafficking is growing exponentially. Some report that it is, at least, $7 billion per year illicit trade, exceeded only by the international drug and arms trade. Its victims are enslaved into a devastating brutality against their will, with no hope for release or justice, while its perpetrators build criminal empires on this suffering with impunity. Our legislation will begin to challenge these injustices.

This is the new slavery of the world, Dr. Kevin Bales of the University of Surrey in England recently testified for us before the Senate Foreign Relations Committee. He astutely observed that the new slavery has a peculiar quality which does not look like the old forms associated with lifetime bondage as a chattel slave, but it is slavery nonetheless.

Sex trafficking is among the most common forms of the new slavery and typically entails shorter periods of bondage, usually asking for 5 to 6 years, or whenever something like AIDS or tuberculosis is contracted, after which the victim is thrown out on the street, broken, without community or resources, left to die. I have met with people caught in that condition.

Women and children are routinely forced against their will. Sex traffickers favor girls aging in the range of 10 to 13.

I have a number of other things I could say, but my time is limited. I know a number of people want to speak on this bill. I ask to reserve the remainder of my time. I will turn the floor over to Senator WELLSTONE.

I ask unanimous consent on any quorum calls that might be called during the discussion of this conference report, that time be allotted and assessed against all allocated time to speak under the bill, including myself and Senator WELLSTONE, along with Senator BIDEN, Senator HATCH, and Senator LEAHY, who have all been allocated time. I ask the quorum calls be equally divided between those who have time under the bill.

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

Mr. BROWNBACK. I finally note to others who seek to speak on this bill, I invite Members to come to the floor to make comments. At the conclusion of our presentation, a vote will occur on this conference report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Chair.

I thank my colleague, Senator BROWNBACK, for his very gracious remarks. It has been an honor to work with him on this legislation. I think a very strong friendship has come out of this effort. There are some times when we can work and reach out and have the most interesting and I hope important coalition. Working with Senator BROWNBACK, Sharon Payt, and Karen Knutson has been the best legislative work. At the end of the day, I believe today we will pass this legislation. Members can feel they have done something really good. They can make a positive difference. I thank Senator BROWNBACK for his great leadership and his great work for each step along the way. In all the negotiations, all the work that has been done, the Senator has been there. I thank the Senator.

I want to talk about Charlotte Oldham-Moore and Jill Hickson, who have worked with me and our staff, who have done a great job. There are other people who will be on the floor who put this together—especially the Violence Against Women Act—Senator LEAHY, Senator BIDEN, Senator HATCH, and others, and SAM GEJDENSON and CHRIS SMITH have been phenomenal. I thank them for their yeoman work on the House side. I also thank Frank Loy and Harold Koh at the State Department for their work.

The trafficking of human beings for forced prostitution and sweatshop labor is a rapidly growing human rights abuse. It is one of the greatest aspects of the globalization of the world economy. The Victims of Trafficking and Violence Protection Act of 2000 is the first piece of legislation to address the widespread practice of the trafficking of men, women, and children into sweatshop labor and sexual bondage.

My wife Sheila urged me to do something about this problem several years ago. Consequently, she and I spent time with women trafficked from the Ukraine to work in brothels in Western Europe and the United States. They told us after the breakup of the Soviet Union and the ascendancy of the mob, trafficking in women and girls became a booming industry that destroyed the lives of the youngest and most vulnerable in their home countries.

We began work on the bill then, and 3 years later, after extraordinary bipartisan effort, tremendous leadership from Senators BROWNBACK and LEAHY, and SAM GEJDENSON and CHRIS SMITH, and others, it passed the House with a vote of 371–1. Now it is poised to pass the Senate.

Our Government estimates that 2 million people are trafficked each year. Of those, 700,000 women and children, primarily young girls, are trafficked from poor countries to rich countries and sold into slavery, raped, locked up, physically and psychologically abused, with food and health care withheld. Of those, as many as 50,000 immigrants are brought into the United States each year, and they wind up trapped in brothels, sweatshops, and other types of forced labor, abused and too fearful to seek help.

Traffickers exploit the unequal status of women and girls, including harmful stereotypes of women as property and sexual objects to be bought and sold. Traffickers have also taken advantage of the demand in our country and others for cheap, unprotected labor. For the traffickers, the sale of human beings is a highly profitable, low-risk enterprise as these women are viewed as expendable and reusable commodities.

Overall, profit in the trade can be staggering. It is estimated that the size of this business is $7 billion annually, only surpassed by that of the illegal arms trade. Trafficking has become a major source of new income for criminal rings. It is coldly observed that drugs are sold once while a woman or a child can be sold 10 or 20 times a day.

In the United States, Thai traffickers who incarcerated Thai women and men in sweatshops in El Monte, CA, are estimated to have made $8 million in 6 years. Further, Thai traffickers who enslaved Thai women in a New York brothel made about $1.5 million over 1 year and 3 months.

Last year, Albanian women were kidnapped from Kosovo refugee camps and trafficked to work in brothels in Turkey and Europe. Closer to home, organized crime has trafficked Russian and Ukranian women into sexually exploitive work in dozens of cities in the United States of America. Just next door, law enforcement authorities suspected mafia involvement in the gruesome murder of a Russian woman trafficked to Maryland.

All of these cases reflect a new condition: Women whose lives have been disrupted by civil wars or fundamental changes in political geography, such as the disintegration of the Soviet Union or the violence in the Balkans, have fallen prey to traffickers.

Seeking financial security, many innocent persons are lured by traffickers'

false promises of a better life and lucrative jobs abroad. Seeking this better life, they are lured by local advertisements for good jobs in foreign countries at wages they could never imagine at home. However, when they arrive, these victims are often stripped of their passports, held against their will, some in slave-like conditions, in the year 2000.

Rape, intimidation, and violence are commonly employed by traffickers to control their victims and to prevent them from seeking help. Through physical isolation and psychological trauma, traffickers and brothel owners imprison women in a world of economic and sexual exploitation that imposes a constant threat of arrest and deportation, as well as violent reprisals by the traffickers themselves to whom the women must pay off ever-growing debts. That is the way this works.

Many brothel owners actually prefer foreign women, women who are far from help and from home, who do not speak the language, precisely because of the ease of controlling them. Most of these women never imagined they would enter such a hellish world, having traveled abroad to find better jobs or to see the world.

Many in their naivete believe nothing bad can happen to them in the rich and comfortable countries such as Switzerland or Germany or the United States. Others are less naive, but they are desperate for money and opportunity. But they are no less hurt by the trafficker's brutal grip.

Trafficking rings are often run by criminals operating through nominally reputable agencies. In some cases overseas, police and immigration officials of other nations participate and benefit from the trafficking. Lack of awareness or complacency among government officials such as border control and consular offices contributes to the problem. Furthermore, traffickers are rarely punished, as official policies often inhibit victims from testifying against their traffickers, making trafficking a highly profitable, low-risk business venture for some.

Trafficking abuses are occurring not just in far-off lands but here at home in America as well. The INS has discovered 250 brothels in 26 different cities which involve trafficking victims. This is from a CIA report. This is the whole problem of no punishment—being able to do this with virtual impunity.

In a 1996 trafficking case involving Russian and Ukrainian women who answered ads to be au pairs, sales clerks and waitresses, and were forced to provide sexual services and live in a massage parlor in Bethesda, MD, the Russian-American massage parlor owner was fined. He entered a plea bargain and charges were dropped with the restriction that he would not operate a business again in Montgomery County. The women, who had not been paid any salary and were charged $150 for their housing, were deported or left the United States voluntarily. There was no charge at all.

Teenage Mexican girls were held in slavery in Florida and the Carolinas, and they were forced to submit to prostitution.

Russian and Latvian women were forced to work in nightclubs in the Midwest. According to charges filed against the traffickers, the traffickers picked the women up upon their arrival at the airport, seized their documents and return tickets, locked them in hotels and beat them. This is in our country. The women were told that if they refused to work in sexually exploitive conditions, the Russian Mafia would kill their families. Furthermore, over a 3-year period, hundreds of women from the Czech Republic who answered advertisements in Czech newspapers for modeling were ensnared in an illegal prostitution ring.

Trafficking in persons for labor is an enormous problem as well. The INS has also worked on cases involving South Asian children smuggled into the United States to work in slavery-like conditions. In one case, about 100 Indian children, some of them as young as 9 or 10, were brought into New York and shuffled around the country to work in construction and restaurants—ages 9 and 10, in the United States; today, in the United States—2000.

Some of the children appear to have been sold by their parents to the traffickers. In Woodbine, MD, a pastor bought Estonian children, ages 14 to 17, promising them they would attend Calvery Chapel Christian Academy, but then forcing them to clean roach-invested apartments and to do construction. The children worked 15 hours a day. The children were threatened and punishments included denial of food and being forced to stand in one spot for prolonged periods.

The bitter irony is that quite often victims are punished more harshly than the traffickers because of their illegal immigration status, their serving as prostitutes, or their lack of documents, which the traffickers have confiscated in order to control the victims.

A review of the trafficking cases showed that the penalties were light and did not reflect the multitude of human rights abuses perpetrated against these women.

In a Los Angeles case, traffickers kidnapped a Chinese woman, raped her, forced her into prostitution, posted guards to control her movements, and burned her with cigarettes. Nevertheless, the lead defendants received 4 years and the other defendants received 2 and 3 years. That is what they received.

In a tragic case involving over 70 Thai laborers who had been held against their will, systematically abused, and made to work 20-hour shifts in a sweatshop, the seven defendants received sentences ranging from 4 to 7 years with one defendant receiving 7 months.

In another case where Asian women were kept physically confined for years with metal bars on the windows, guards, and an electronic monitoring system, and were forced to submit to sex with as many as 400 customers to repay their smuggling debt, the traffickers received 4 years and 9 years—in the United States of America, in the year 2000.

I thank Senator BROWNBACK for his work. It is important.

A review of the trafficking cases showed that the penalties were light and they did not reflect the multitude of the human rights abuses perpetrated against these women. The statutory minimum for sale into involuntary servitude is only 10 years, whereas the maximum for dealing in small quantities of certain drugs is life.

Let me repeat that. The statutory minimum for sale into involuntary servitude is only 10 years, whereas the maximum for dealing in small quantities of certain drugs is life.

Few State and Federal laws are aimed directly at people who deliver or control women for the purpose of involuntary servitude or slavery in sweatshops or brothels. Consequently, prosecutors are forced to assemble cases using a hodgepodge of laws, such as document fraud and interstate commerce, and accept penalties that they believe are too light for the offense. Up until this legislation, there was no way for the prosecutors to go after these traffickers.

The Victims of Violence and Trafficking Protection Act of 2000 establishes, for the first time, a bright line between the victim and the perpetrator. It punishes the perpetrator and provides a comprehensive approach to solving the root problems that create millions of trafficking victims each year.

This legislation aims to prevent trafficking in persons, provide protection and assistance to those who have been trafficked, and strengthen prosecution and punishment for those who are responsible for the trafficking. It is designed to help Federal law enforcement officials expand antitrafficking efforts here and abroad, to expand domestic antitrafficking and victim assistance efforts, and to assist nongovernment organizations, governments and others worldwide, who are providing critical assistance to victims of trafficking. It addresses the underlying problems which fuel the trafficking industry by promoting public antitrafficking awareness campaigns and initiatives in other countries to enhance economic opportunity, such as microcredit lending programs and skills training, for those who are most susceptible to trafficking, and have an outreach so women and girls as young as 10 and 11 know what they might be getting into.

It also increases protections and services for trafficking victims by establishing programs designed to assist in the safe reintegration of victims into their communities and ensure that such programs address both the physical and mental health needs of trafficking victims.

Imagine what it would be like to be age 12 or 13, a young girl, to go through this. We have, in Minnesota, the Center for the Treatment of Torture Victims. It is a holy place. I have had an opportunity to meet with staff and meet with many men and women who have been helped by this center. These girls, these women, have gone through the same living hell.

This legislation also increases protections and services for trafficking victims by providing community support. Furthermore, the bill seeks to stop the practice—and this is so important. I am sitting next to Senator KENNEDY who has done so much with the immigration work. This bill seeks to stop the practice of immediately deporting the victims back to potentially dangerous situations by providing them with some interim immigration relief. Victims of ''severe forms of trafficking,'' defined as people who were held against their will—''for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery''—would be eligible for a special visa letting them stay in the country at least through the duration of their captors' prosecution, and perhaps permanently.*****-*****- -Name: -Payroll No. -Folios: -Date: -Subformat:

Right now, if you are a Ukrainian girl or woman in a massage parlor in Bethesda, and you step forward to get some help, you are deported. The trafficker is hardly prosecuted. The victim is automatically deported. This provides temporary visa protection.

I will give an example. In a 1996 trafficking case involving Russian and Ukrainian women who had answered ads to be au pairs, sales clerks, and waitresses but were forced to provide sexual services and live in a massage parlor in Bethesda, MD, 2 miles from here, the Russian American massage parlor owner was fined. He entered a plea bargain and charges were dropped with the restriction that he would not operate his business again in Montgomery County. The women, who had not been paid any salary, were forced into prostitution, and were charged for their housing, were deported.

This legislation toughens current Federal trafficking penalties, criminalizing all forms of trafficking in persons and establishing punishment commensurate with the heinous nature of this crime. The bill establishes specific laws against trafficking. Violators can be sentenced to prison for 20 years to life, depending on the severity of the crime. Yes, if you are trafficking a young girl and forcing her into prostitution, you can face a life sentence. They can also be forced to make full restitution to their victims, paying them the salary that would have been due for their months or years of involuntary service.

This bill requires expanded reporting on trafficking, including a separate list of countries which are not meeting minimum standards for the elimination of trafficking.

It requires the President to suspend ''nonhumanitarian and nontrade'' assistance to only the worst violators on the list of countries which do not meet these minimum standards and who actively condone this human rights abuse. This is a major piece of human rights legislation. This is a major human rights bill.

These are the rare governments which are openly complicit in trafficking people across their borders. It allows the Congress to monitor closely the progress of countries in their fight against trafficking, and it gives the administration flexibility to couple its diplomatic efforts to combat trafficking with targeted enforcement action. Finally, the bill provides three generous waivers.

By passing the Victims of Violence and Trafficking Act today, this Chamber will take a historic step toward the elimination of trafficking in persons.

Thanks to the partnership of Jewish and Evangelical groups, women and human rights organizations, and others, we will take a historic and effective step against organized crime rings and corrupt public officials who each year traffic more than 2 million people into desperate, broken lives of bondage and servitude.

Something important is in the air when such a broad coalition of people, including Bill Bennett, Gloria Steinem, Rabbi David Sapperstein, Ann Jordan, and Chuck Colson work together for the passage of this legislation. I am thankful for their support, I am thankful for the support of the administration, and I am thankful for your support today in seeking to end this horrible, widespread, and growing human rights abuse.

By way of conclusion, I say to my colleagues, starting with Senator BROWNBACK, I believe with passage of this legislation—I believe it will pass today and the President will sign it—we are lighting a candle. We are lighting a candle for these women and girls and sometime men forced into forced labor. I also think because of the work of so many in the House and the Senate, this can be a piece of legislation that other governments in other parts of the world can pass as well. This is the beginning of an international effort to go after this trafficking, to go after this major, god-awful human rights abuse, this horrible exploitation of women, sometimes men, and of girls.

I am very proud of this legislation. I thank my colleague from Kansas. I thank other colleagues as well.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. HAGEL). The Senator has 36 minutes remaining.

Mr. WELLSTONE. Mr. President, I reserve the remainder of my time. The other part of this legislation that is so significant, and I know colleagues are here to speak about it, is the reauthorization of the Violence Against Women Act. I want to reserve time to speak about that very important piece of legislation. For me, to see both of these bills pass and to see it happen today is one of the best days I can have in the Senate. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, if the Senator from Massachusetts will withhold for a moment, is my understanding correct that the Senator from Vermont has 3 hours?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, for the information of colleagues, I do not intend to use all that time. At some point, I am going to yield back a considerable amount of time. I know there are Senators on both sides of the aisle who have commitments tonight, some connected with the debates of the two parties' Presidential nominees. It is my hope we will be voting fairly early this afternoon—a vote on the Thompson point of order and final passage.

I yield such time as the Senator from Massachusetts needs, and I ask unanimous consent that I then be able to yield to the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I greatly appreciate the absolutely splendid presentation by my friend and colleague, Senator WELLSTONE. I agree with him on so many issues. His statement today was one of his very best. We can certainly understand the extraordinary work he has done, along with Senator BROWNBACK and others, to make sure this legislation is considered. All of us will forever be grateful to him for his leadership in this extremely important area. I certainly am. I thank him for an absolutely splendid presentation.

Mr. President, I'm pleased that the Senate is finally about to pass the reauthorization of the Violence Against Women Act. The current authorization for the Act expired on September 30, and it has taken far too long to bring this important extension to the Senate floor.

A woman is beaten every 15 seconds as a result of domestic violence. Every year, one-third of the women who are murdered are killed by their husbands or partners, and approximately one million women are stalked. Conservative estimates indicate that 60 percent of disabled women, up to 25 percent of pregnant women, and 1 out of 25 elderly people have suffered domestic violence.

This isn't a problem that only affects adults. Each year, 3.3 million children are exposed to domestic violence. In homes where abuse of women occurs, children are 1,500 times more likely to be abused as well. Whether they witness the violence or are actually assaulted by the abuser, many children learn shocking behavior from adults. 12 percent of high school dating couples

have suffered abuse in their relationships, and often these teenagers are themselves victims of abuse at home.

Eighteen year-old Tanyaliz Torres and her mother were stabbed to death by her father in Springfield, Massachusetts. Fifty-eight-year-old Mabel Greineder of Wellesley, Massachusetts was stabbed and bludgeoned to death by her husband. From October 1999 through September 2000, 24 Massachusetts women and children were killed as a result of domestic violence. It is a national epidemic that touches every community in the country.

The Violence Against Women Act was enacted in 1994 to address this problem and provide greater safety and peace of mind for millions of women and their families. The act creates a partnership between the public sector and the private sector at every level—Federal, State, and local. Its goal is to establish a safety net of new programs and policies, including community-based services for victims, a National Domestic Violence Hotline, needed technological assistance, and larger numbers of well-trained law enforcement officers and prosecutors.

The national Hotline gives women across the country immediate access to the help they need. Since its initiation in 1996, it has received over 500,000 calls. When a Spanish-speaking woman in Arizona needed shelter for herself and her three children, the Hotline called a shelter in Phoenix, found a Spanish-speaking counselor, and gave the caller the counselor's name and directions to the shelter. In the countless cases, the Hotline is an invaluable resource, and we must do all we can to support it.

In Massachusetts, $20 million under the Violence Against Women Act has been awarded to advocacy organizations, law enforcement personnel, and State and local governments. The Wampanoag Tribe of Gay Head received funding to develop and strengthen tribal justice strategies to remedy violent crimes against Indian women and to develop and strengthen services for victims.

The act also supports HarborCOV—Harbor Communities Overcoming Violence—a Massachusetts program serving Chelsea and Greater Boston. In addition to its core services, HarborCOV has an economic development component which helps survivors move from welfare to work. Employment training and employment referrals are also provided to help domestic violence victims find jobs.

The reauthorization will ensure that support for these programs and others will continue. It also includes important new measures, such as transitional housing assistance and a $175 million authorization for shelters, which will be significant additional tools in the battle against domestic violence.

One of the most important provisions in the bill is the Battered Immigrant Protection Act. This provision helps battered immigrants by restoring access to a variety of legal protections undermined by the 1996 immigration laws. The Violence Against Women Act passed in 1994 included provisions that allowed battered immigrants to apply for legal status without the cooperation of their abusers, and enabled victims to seek protective orders and cooperate with law enforcement officials to prosecute crimes of domestic violence.

Unfortunately, the subsequent changes in immigration laws have reduced access to those protections. Thousands of battered immigrants are again being forced to remain in abusive relationships, out of fear of being deported or losing their children. The pending bill removes obstacles currently hindering the ability of battered immigrants to escape domestic violence safely and prosecute their abusers.

It restores and expands vital legal protections like 245(i) relief. This provision will assist battered immigrants, like Donna, who have been in legal limbo since the passage of the 1996 immigration laws. Donna, a national of Ethiopia, fled to the U.S. in 1992 after her father, a member of a prominent political party, was murdered. In 1994, Donna met Saul, a lawful permanent resident and native of Ethiopia. They married and moved to Saul's home in Massachusetts. Two years later, Saul began drinking heavily and gradually became physically and verbally abusive. The abuse escalated and Donna was forced to flee from their home. She moved in with close family friends who helped her seek counseling. She also filed a petition for permanent residence under the provisions of the Violence Against Women Act.

Unfortunately, with the elimination of 245(i), the only way for Donna to obtain her green card is to return to Ethiopia, the country where her father was murdered. The possibility of returning there terrifies her. This legislation will enable her to obtain her green card here, where she has the support and protection of family and access to the domestic violence counseling she needs.

Under this act, battered immigrants will also have up to one year from the entry of an order of removal to file motions to reopen prior deportation orders. The Attorney General may waive the one year deadline on the basis of extraordinary circumstances or hardship to the battered immigrant's child.

This Act will also expand remedies for battered immigrants living abroad with spouses and parents serving in the United States military or other federal positions. Current law only allows battered immigrants residing in the United States to request this relief. This bill will make it easier for these immigrants and their children to escape abusive relationships and obtain the help they deserve.

The legislation also grants the Attorney General the discretion to waive certain bars to immigration relief for qualified applicants. For example, battered immigrant women acting in self-defense are often convicted of domestic violence crimes. Under the 1996 immigration law, they became deportable and are denied relief under the Violence Against Women Act. The Attorney General will be able to use the waiver authority to help battered immigrants who otherwise qualify for relief.

Also, recently divorced battered immigrants will be able to file self-petitions. Current law allows only battered immigrant women currently married to their abusive spouses to qualify for relief. As a result, many abusers have successfully rushed to the court house to obtain divorces, in order to deny relief to their immigrant spouse. This provision will prevent this unfair result and ensure that victims are not wrongly deprived of the legal protection they need.

These and other important measures will do a great deal to protect battered immigrants and their children from domestic violence and free them from the fear that often prevents them from prosecuting these crimes. Congress enacted the Violence Against Women Act in 1994 to help all victims of domestic violence, regardless of their citizenship. It is long past time to restore and expand these protections.

I am also pleased that the legislation includes authorization for increased funds for the National Domestic Violence Hotline. Consistent with last year's funding, the bill authorizes $2 million a year for the hotline and ensures that the Hotline will be an effective source of assistance, providing vital services to women, children, and their families.

A second, equally important part of the bill we are considering today is the Trafficking Victims Protection Act, which condemns and combats the trafficking of persons into forced prostitution or forced labor, a practice that is tantamount to modern day slavery.

Enactment of this legislation will strengthen laws that punish traffickers and ensure protection for their victims—most of whom are women and children.

One of the most important of these provisions expands assistance and protection to victims of severe forms of trafficking, ensuring that they receive appropriate shelter and care, and are able to remain in the United States to assist in the prosecution of traffickers. Relief from deportation is also critical for victims who could face retribution or other hardship if removed from the United States.

Sara, a native of Sri Lanka, was promised a lucrative job as a housekeeper. Upon arrival in the U.S., Sara was virtually imprisoned in her employer's Massachusetts home, and subjected to physical and sexual assault. She bore three children as a result of rape. After 5 years of living in captivity and isolation, she was finally

able to escape. This legislation will provide persons like Sara with the protection and rights they need to assist in the prosecution of these despicable crimes.

Finally, this legislation also includes an important provision to provide compensatory damages to Frank Reed and other American citizens who were victims of Iranian terrorism.

In 1986, Frank Reed, of Malden, MA, was kidnapped in Lebanon. At the time, he was a private citizen and president of the Lebanese International School. During his 44-month captivity, he was blindfolded, chained, tortured, and held in solitary confinement for 2 years. His captors periodically fed him arsenic, from which his health still suffers.

In 1990, he was released to Syrian Army intelligence officers in Beirut, who took him to the U.S. Embassy in Damascus. I met him when he returned to the United States after his tragic and traumatic ordeal.

A U.S. judge ordered the Iranian Government to provide Frank Reed and his wife with $26 million in compensatory damages, but the Government has refused to comply.

Under the legislation we are approving today, the U.S. Government will provide the funding. The amount will be recovered in turn by the U.S. Government from the Iranian Government through a Foreign Military Sales Account that holds $400 million.

Frank Reed suffered immensely at the hands of his brutal captors, and so did his family, and he deserves this compensation.

I strongly support the Violence Against Women Act of 2000, the Trafficking Victims Protection Act, and the Justice for Victims of Terrorism Act. This legislation will ensure that we are doing much more to protect women from violence and abuse, and it deserves to be enacted as soon as possible.

ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. President, I want to also address the Senate for just a few moments on another matter of importance to families all across this country which is central to their concerns, and that is, what has happened to this Senate's commitment to passing and reauthorizing the Elementary and Secondary Education Act? That legislation is the backbone of Federal participation in helping local communities strengthen academic achievement and accomplishment. We are now going into the final days of this Congress and we still have not reauthorized that central piece of legislation even though we have had strong commitment by the majority party that this was a priority and that we were going to have consideration of this legislation.

We heard a great deal during the recent debates of our two candidates for President and our two candidates for Vice President about education. But our American families are wondering, whatever happened to the Senate of the United States on this issue? The fact is, we are basically AWOL, we are A-W-O-L on this issue. It is the first time in 35 years that we have failed to reauthorize this legislation.

I understand, as we remain here for these final days, that we will have a conference report for agriculture, that we will have a series of appropriations conference reports, but there is no reason in the world we can't go back and complete this legislation in the time that we are in here waiting for the various appropriations bills.

We continue to challenge the Republican leadership to bring this back. There is still unfinished business in education and in the area of minimum wage. There is unfinished business on the Patients' Bill of Rights and on the prescription drug issue.

I want to reemphasize exactly where we are on the issue of the Elementary and Secondary Education Act. These are statements that have been made by the Republican leader, Senator LOTT's promise on education, going back to January 6, 1999. He said:

Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

Remarks to U.S. Conference of Mayors, January 29, 1999:

But Education is going to have a lot of attention, and it's not going to be just words. . . .

Press conference, June 1999:

Education is number one on the agenda for Republicans in the Congress this year. . . .

Remarks to the U.S. Chamber of Commerce in February of 2000:

We're going to work very hard on education. I have emphasized that every year I've been Majority Leader. . . . And Republicans are committed to doing that.

A speech to the National Conference of State Legislatures, February 3, 2000:

We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

On the Senate floor, May 1, 2000:

This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

Press stakeout, May 2, 2000:

Question: Senator, on ESEA, have you scheduled a cloture vote on that?

Senator LOTT: No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across this country and every State, including my own State. For us to have a good, healthy, and even a protracted debate and amendments on education, I think is the way to go.

We agree with that statement. We still have some time, while we are waiting for the appropriators to conclude their work, where we ought to be bringing this back and having a full debate. We are prepared to do that. We think it can be done.

Senate floor, July 10, 2000:

I, too, would very much like to see us complete the Elementary and Secondary Education Act. . . . I feel very strongly about getting it done. . . . We can work day and night for the next 3 weeks.

Senate floor, July 25, 2000:

We will keep trying to find a way to go back to this legislation this year and get it completed.

That was on July 25, and we are still waiting.

The fact is, we are failing to meet this central challenge. Our Presidential candidates are talking about the issue of education, but they are talking about it in a vacuum because the Senate of the United States is failing to take up this particular issue which makes such a difference to families, and that is strengthening academic achievement and accomplishment. The fact is that we are in a new world of technology and it is demanding. We have to refocus and re-prioritize the whole issue of education to make sure that it addresses the needs of today's economy and society. This is going to be central in terms of our national debate and discussion. That is what this debate is all about.

What is going to be our involvement in terms of helping families? The fact is that we are absent in this debate because we are refusing to conclude action.

This is what is happening in America. More students are now taking the SATs. 83 percent of four-year colleges use SAT scores as a factor in admission. Increasing numbers of students are recognizing that a college education is the key to success in America. Families understand the importance of taking those tests; children understand it. We want to make sure we are helping those families who have children taking the SATs and those who would like their children to take the SATs.

As depicted on this chart, this is what has happened. From 1995, 42 percent of the children were taking SATs, and it is up to 44 percent in 2000.

More students are also taking advanced math and science classes because they understand that in a highly technological world, with new kinds of demands in terms of technology, they are going to have to do more in terms of math and science courses. We see increases in the number of students taking advanced classes in pre-calculus, calculus, and physics. Young people are doing their share. The real question is whether we in the Congress are going to do ours. The answer comes back that, no, we are not. Look at what has been happening with the SAT math scores. They are higher now than in the last 30 years, and they are continuously moving up. The indicators are all positive. You would not know that listening to Governor Bush last week. We know we are facing challenges across the country, but look at the SAT math scores; they are the highest in 30 years. More kids are taking the SAT, and still the scores are moving up. I think we ought to understand what is happening out there. Some progress is being made.

Now, this doesn't mean that progress is being made in all of the States. That is very important, indeed. Looking at the State SAT averages and progress made since 1997, some States have done much better than others. I am glad my own State of Massachusetts has moved up some 8 points, from an average total SAT score of 1,016 in 1997 to 1,024 in 2000. We have had major educational reforms. We have done many things in our State in terms of smaller class sizes, better trained teachers, and afterschool programs. We are not doing all the things we need to be doing, but we have done a lot. We have also taken advantage of Net Day to try, in a voluntary way, to get good computers in classrooms with well-trained teachers.

We also have found out in this discussion and debate that not all the States—including the State of Texas—have made progress. It is interesting that actually the State of Texas has declined some 2 points in their average total SAT score since 1997. They dropped from an average score of 995 in 1997 to 993 in 2000. They are also below the national SAT total score average. The national average has gone up 3 points from 1997 to 2000, but the State of Texas has gone down 2 points. That is a 5-point spread. So I think when we listen to these debates about what ought to be done, we ought to try to take with a grain of salt what has been happening in Texas over the period of these last 3 years.

In addition, looking back at the trend over the last 10 years, as I understand it, in SAT verbal scores since 1990, Texas has been 10 points below the national average. By 2000, the gap had grown to 12 points. In math, Texas has been 12 points below the national average. By 2000, the gap has grown to 14 points.

I think we want to have leadership at the national level that is going to bring continued improvement. We know we have challenges. We know we have challenges in urban areas and we have challenges in rural areas. But we also know some of the things that work. The STARS Program, as we have seen in Tennessee, has been very important in terms of enhancing children's academic achievement and accomplishment.

We know what has happened when we focus on getting better teachers in schools, such as in the State of Connecticut. Much of the progress there has been under Republican as well as Democratic Governors. We want to try to find out what has worked in these States and then have an opportunity to try to give general national application to it. But we are effectively being closed out by the Republican leadership from having this debate. That is what families ought to understand across this country.

We are basically being told we can't have a debate here in the Senate on the issue of education. We had 6 days when the measure was before the Senate, and 2 days were for debate only. We had eight votes and one was a voice vote. So that meant seven rollcalls and three of them were virtually unanimous. So we really didn't have much debate and discussion. We had 16 days of debate on the bankruptcy legislation and 55 different amendments on it. So it is a matter of prioritizing.

I dare say we are failing to meet the responsibilities to families across this country who want to have investment in the kinds of educational programs that are going to work and who understand their children are living in a new age of technological challenges. They want to see their children move ahead academically. We have seen that children are prepared to do that. We have seen them taking more difficult courses. They are taking the challenges of SATs. They are prepared to move ahead.

Some of the States are moving ahead boldly, such as North Carolina, in terms of their efforts. But we have to ask ourselves: Where in the world are the Congress and Senate in terms of helping and assisting families in this area? The fact of the matter is that we are AWOL. We have failed to do our homework. If we were students with this behavior, we would be in the principal's office for several hours in discipline.

We are going to continue to talk about this. I see that we now are going to have a continuing resolution that will go into next week. We may go even further. There is no reason in the world we can't use these interludes to take on one of the really important issues for families; that is, the reauthorization of the Elementary and Secondary Education Act.

I thank the Senator from Vermont for yielding time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I believe under the unanimous consent agreement that I can now yield to the distinguished Senator from California. I ask the Senator from California how much time she would like.

Mrs. BOXER. Between 10 and 15 minutes.

Mr. LEAHY. I yield 15 minutes to the distinguished Senator from California.

So many have worked so hard on this. The distinguished Senators from Massachusetts and Minnesota have spoken already, but especially Senators BOXER, MIKULSKI, LINCOLN, LANDRIEU, MURRAY, and FEINSTEIN have worked so hard.

I yield 15 minutes to the Senator from California.

I ask the Chair how much time is remaining for the Senator from Vermont.

The PRESIDING OFFICER. The Senator has 2 hours 35 minutes remaining.

Mr. LEAHY. I thank the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you very much. I thank my friend from Vermont for all his hard work. I thank my friend, Senator WELLSTONE. I thank Senator BROWNBACK. I thank Senator BIDEN and Senator HATCH.

We have a very important bill before us. I think the Trafficking Victims Protection Act sort of stands on its own. I would love to have seen that come on its own because it is a landmark piece of legislation. I felt the same way about the Violence Against Women Act.

That is a landmark piece of legislation. Unfortunately, I think we have issues and pieces of legislation that shouldn't be in here. But that is the way it goes. How you would ever get to the point where you would put an issue that deals with sales of wine on the Internet is beyond me. I don't think people really get what we do here when we take these issues and blend them together. But let's call it the way it is.

The Trafficking Victims Protection Act and the Violence Against Women Act are so important that Members are willing to say, even if they didn't agree with all the appendages, they are willing to go along with them. I am going to make some comments about each piece that is in this legislation.

The Violence Against Women Act is very near and dear to my heart because in 1990 I was over in the House, where I served very proudly for about 10 years, and Senator BIDEN came to me and said: Would you be willing to offer the Violence Against Women Act in the House? He had authored it in the Senate. I was extremely pleased to agree.

The whole issue of domestic violence in our country up until that time was never discussed. It was swept under the rug. Even though we knew it was brutalizing women and children, we didn't have the courage to act. In those early years, it was very hard to get attention paid to violence against women.

I was able in the House to get through just a couple of pieces of that legislation. But it wasn't until I came to the Senate with Senator BIDEN that we really orchestrated tremendous support for the bill. In 1994, we got it through as part of the Crime Act. It has proven itself.

In this particular reauthorization, we will provide $3.3 billion in funding over the next 5 years to protect victims of domestic abuse and violence. We have made tremendous progress. We have seen a reduction of about 21 percent in domestic violence. But still to this day, we have a national crisis that shatters the lives of millions of women across the country and tears at the very fabric of our society.

Reauthorizing these programs sends a much needed message to those who even think about lifting a hand to a spouse or think about lifting a hand to an innocent child that we will not stand silently by and that we in fact will protect those victims of domestic violence.

We know that nationwide nearly one in every three adult women experiences at least one physical assault by an intimate partner. We know for a fact that domestic violence is the leading cause

of injury to women age 15 to 44, with nearly one-third of women who are murdered being murdered by a husband or a boyfriend.

Although domestic violence affects both men and women, the overwhelming majority of domestic violence victims happen to be women. That is why a majority of the services authorized under the Violence Against Women Act focus on the unique circumstances of women in abusive relationships.

Again, we have made progress. Since 1994, when the bill passed and President Clinton signed it into law, there has been a 21-percent decrease in intimate partner violence and we have increased battered women's shelters by 60 percent.

I remember in those years when we were battling for this bill, we originally pointed out that there were more shelters for animals than there were for battered women. I am proud to say today we have seen an increase in the number of shelters so we can in fact address the critical needs of victimized women and their children, many of whom have absolutely no place to go and therefore sometimes they are forced to stay in these abusive relationships. Where are they going to go? They will go out on the street if they don't have a loving family to go home to. It is a tragic situation indeed.

The bill ensures that we will be funding a continued increase in these shelters. But we also want to stop the violence before it gets to that. We have STOP grants that provide moneys for rape prevention, and education grants, and a 24-hour national domestic violence hotline which is so important. Women in these circumstances need to have a reassuring voice. They believe sometimes that no one cares about them; they are all alone. If they can dial that hotline and get professional help, it makes all the difference in the world.

This bill will strengthen law enforcement efforts to reduce domestic violence by requiring the enforcement of other States' protection orders as a condition of funding for some of the grants. In other words, if you have a batterer who tries to escape prosecution by going across State lines, we address this issue.

This is very important. I want to talk about the children. We talk about battered women, but we know—this is an incredible fact as we look at the causes of violence in society, and we are right to look everywhere in the society—we need to understand if a young boy sees his father beat his mother, that child is twice as likely to abuse his own wife than the son of a nonviolent parent. If a child, particularly a young boy, sees a father beat a mother, he is twice as likely to abuse his own spouse.

We know 10 million children every year are exposed to domestic violence. More alarming even than that is the fact that 50 percent to 70 percent of those men who abuse their female partners also abuse their children. It becomes a way of life and a way of communicating for which we should have zero tolerance. These abused children are at high risk for violent, delinquent behavior. The National Institute for Justice reports that being abused as a child increases a child's likelihood of arrest as a juvenile by 53 percent. We know even when they are young they are more apt to be arrested and get in trouble. We know when they are adult and they marry they are more likely to abuse a spouse.

When we talk about the Violence Against Women Act, we are not talking only about women. We are also talking about the children. If there is anything we can do in this hallowed hall of the Senate, it is to protect children. We have the Safe Havens for Children Pilot Program; we have victims of child abuse programs funded; we have rural domestic violence and child abuse enforcement grants. This package also includes training for judges and court personnel. We also, for the first time, look at battered immigrants, which is a very important issue, because we sometimes have people coming here who don't understand their rights. They need to understand their rights, that their bodies don't belong to anyone else, and they have a right to cry out if they are abused.

There are many other programs reauthorized by the Violence Against Women Act, such as those to combat sexual assault and rape, transitional housing, and civil, legal assistance. Again, a lot of these folks don't understand their legal rights. We provide grants to counsel them. We include protection for older and disabled women.

It is hard to even imagine an older woman in our society or a disabled person being victimized. Is there no rule that would say to every human being that there has to be respect? Unfortunately, in some cases, these rules don't penetrate. So we have to get tough and make sure that we prevent this. However, if it happens, we will crack down.

Again, I thank Senator JOE BIDEN for his work. It is very important.

Also, a judgeship that is being held up is the nomination of Bonnie Campbell to the U.S. Court of Appeals for the Eighth Circuit. One might ask what it has to do with the Violence Against Women Act. The fact is, Bonnie Campbell has been the first and only Director of the Violence Against Women Office in the Department of Justice, and her nomination is being held up because of partisan politics in the Senate. Here is a woman who paved the way for the Violence Against Women Act, ensuring it was successful, and she is a perfect person to be a judge. She was the attorney general in Iowa for many years. Her achievements and qualifications are obvious. If we really care about the Violence Against Women Act, and I believe we do, then I believe we will have an overwhelming vote, hopefully a unanimous vote. Then we ought to look at one of the people who has made this act such a success. What a wonderful tribute it would be to the women of America to make Bonnie Campbell a judge.

I join with Senator HARKIN on this because I know he has been quite distressed that such an excellent nominee has had a hearing, but her nomination has not come out of committee. We know of no one who is opposed to Bonnie Campbell. I think it would be a fitting tribute to the women of America to bring her nomination quickly to the floor.

I appreciate the work of Senator WELLSTONE and Senator BROWNBACK on the Trafficking Victims Protection Act. We know that some of these victims have been subjected to the most horrific lives, including rape, sexual abuse, torture, starvation, and imprisonment. The selling of naive and desperate women into sexual bondage has become one of the fastest growing criminal enterprises in the global economy. It is hard to understand how this could happen. But when people are in a strange land and are frightened, they look to others to protect them when they really want to hurt and harm them. This legislation authorizes $94 million over 2 years to stop this abhorrent practice.

At the beginning of my remarks, I talked about sometimes attaching bills to other bills that make no sense. I am sad to say this has the alcoholic beverage sales attached to it. I am very sorry for the small wineries in my State. I tried to protect them. I will have some kind of a colloquy with Senator HATCH on this. Half of our 900 wineries in California are run by families. They don't have big, elaborate distributors; they don't have a big distribution. Because of this they will need to sell their product on the Internet. I have nothing against the way wine is distributed, but the new technologies will make it possible for our many wine sellers to sell directly to consumers without the need to go through a middleman or middle person. I think it is sad that we have attached this because these very small family-owned wineries may well suffer.

I am going to be working with my colleagues. I know Senator LEAHY is quite sympathetic to this. We want to make sure there are no negative impacts from this legislation. We think there will be. But we are going to follow this very closely.

The excuse given is, we will stop kids from buying on the Internet. That is a legitimate point. But we recommended a solution dealing directly with preventing underage drinking, and it was not accepted. In my heart of hearts, I believe this is a special interest piece of legislation to protect the distributors. It doesn't do anything to protect young people from buying liquor. I think it is a sad day for our small wineries that are trying hard to survive in California.

In conclusion, I again thank Senator LEAHY for this time. It is a wonderful day. We finally got this Violence Against Women Act reauthorized. We are going to put an end, hopefully, to the sex trafficking. It is a good day for the Senate.

I only hope we will heed the words of Senator KENNEDY now and get on with education, get on with prescription drugs, and get on with the real Patients' Bill of Rights. Let's do our work. We can do our work. The American people want us to do it. The way the procedure is going now, we have no chance to offer amendments on education or health care. It is a shame.

I yield my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I agree with the distinguished Senator from California on Bonnie Campbell. As the one who has brought life into the Violence Against Women Act, it is remarkable that she cannot even get a vote in this Chamber on her judicial nomination.

I have said on the floor, although we are different parties, I have agreed with Gov. George Bush, who has said that in the Senate a nominee ought to get a vote, up or down, within 60 days. I urge in the time remaining in this session that he, as the head of his party, as their Presidential nominee, call the Republican leader of the Senate and say that all of these women, all of these minorities, in fact, all of the people who have been sitting here for well over 60 days waiting for a vote on their nomination, let them have a vote. Vote for them or vote against them. Bonnie Campbell deserves a vote. My guess is the reason she has not been brought for a vote is they know at least 80 of the 100 Senators would vote for her. It would be impossible to justify a vote against her because of her extraordinary qualifications.

Again, if Governor Bush is serious when he says have a vote within 60 days, pick up the phone, call the Senate majority leader, reach him at the switchboard, 202–224–3121, and ask him to bring her to a vote. It is a very easy thing to do.

I agree with the Senator on the Internet alcohol bill. That was included over my objection. It is unnecessary. It is dangerous to e-commerce. Adding Internet sales on alcohol demeans the issue of violence against women and sex trafficking that this bill is all about. It is demeaning to what is a good bill.

Mrs. BOXER. I thank my friend for his comments on all fronts. Regarding his last comment, he is so right. When I first learned there was a move to attach this bill to the Violence Against Women Act, I was absolutely stunned. People have to watch what we do here. They understand, unfortunately, that the special interests still have a lot of influence. This is one case where they had too much influence. As my friend knows, we tried to work this so we could address the issue of juveniles buying liquor from the Internet, which everyone agrees is a terrible thing. This hurts our small wineries—let's call it the way it is—in favor of the big distributors.

But on the Bonnie Campbell point, I particularly want to say to my friend how much I have appreciated his leadership on these judicial nominations. I say today we would not have had even the meager number that we have had without his leadership and his pointing out, over and over again, that women and minorities are getting second-class treatment here.

I ask my friend if he would recount, briefly, the study he had quoted many times, showing that women and minorities take about 3 months longer, on average, to get through; just his comments on how it always seems we are here fighting for women or a minority. It does not seem as if we have to fight that hard for the white male.

Mr. LEAHY. If the Senator will yield, the study was done by the non-partisan Citizens for Independent Courts. In fact, the former Republican Congressman from Oklahoma, Mickey Edwards, co-chaired that study. They found, without taking sides and without taking political stands, that women and minorities took longer to be confirmed by the Senate. Unfortunately, a lot of those women and minorities are not even getting a vote.

Again I say if Governor Bush means it, pick up the phone and call 202–224–3121; ask the Senate switchboard to connect him to the Republican leader and say: You know, I have made it a tenet of my campaign that the Senate should vote on a nomination within 60 days. You can bring every one of these people to the floor for a vote, up or down, today. Let's do so. Who knows. We will find out how the Senate feels about them. Are they for them or are they against them? Right now, instead of voting yes or no, we vote ''maybe,'' by having one or two Senators in the dark of night put holds on these people.

I see the distinguished Senator from Washington State, who has been one of the great leaders on the issue of violence against women, on sex trafficking, and on these other issues. I ask her, how much time does the Senator from Washington require?

Mrs. MURRAY. Ten minutes.

Mr. LEAHY. We yield 10 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Vermont for his comments. I am looking forward, hopefully, to him chairing the Judiciary Committee next year; so that women such as Bonnie Campbell are not held up for months on end and we actually have a chance to put good, qualified women and minorities into judiciary positions in this country.

I also thank the Senator from Vermont for his tremendous work on the Violence Against Women Act, bringing us to a point today where we are finally going to have a vote on this bill, despite the fact there are other parts of this bill that I do not believe should be attached to it. I appreciate his efforts because this is an extremely important bill.

I have come to the floor to express my strong support for reauthorizing the Violence Against Women Act and to endorse the pending conference report. In communities across America, the Violence Against Women Act has been an overwhelming success. It has empowered women and children to escape violent relationships, and it has helped to put abusers behind bars. On every account, the Violence Against Women Act deserves to be reauthorized. I urge my colleagues to support this vital legislation.

It is unfortunate that reauthorization was allowed to lapse this past month, but I am pleased the Republican leadership has finally agreed that reauthorization must be a priority. I wish we had reached the conclusion earlier in this session.

This subject deserves a much more open and extended debate than has been allowed, but I want to take full advantage of the opportunity before us, the chance to reauthorize and strengthen the Violence Against Women Act. VAWA has been nothing short of historic.

Not long ago, domestic violence was considered a private family matter. That perception made it very difficult for women to get help and for communities to confront domestic violence. But all of that changed in 1994. I am very proud to have worked to pass the Violence Against Women Act because, for the first time, our Nation recognized domestic violence for what it is—a violent crime and a public health threat.

Through the Violence Against Women Act, we created a national strategy for dealing with violence against women. Today, looking back, it is very clear just how revolutionary the act was. For the first time, it established a community-wide response, bringing together cops and prosecutors, shelters and advocates and others on the front lines of domestic violence. It authorized programs to give financial and technical support to police departments to focus on domestic violence and to encourage arrests. It recognized and supported the essential role of the courts in ensuring justice. It provided funding for battered women's shelters and for programs that address the public health impact of domestic violence.

VAWA authorized funding for the Centers for Disease Control and Prevention, for Rape Prevention and Education, and it helped establish a national toll-free hotline for victims of domestic violence. Today, 1–800–799–SAFE offers battered women immediate help. In fact, every month, that hotline receives more than 13,000 calls. Back in 1994, some people wondered whether this unprecedented national strategy would work. Today, 6 years

later, the facts are in and it is clear that the Violence Against Women Act has been a success. Arrests and convictions are up. We have more than doubled funding for battered women's shelters. Since 1994, we have appropriated close to $2 billion for VAWA-related programs.

As a member of the Senate Appropriations Committee, one of my highest priorities has always been increasing funding for the Violence Against Women Act programs. In communities throughout my State and others, the need is overwhelming, and funding makes a dramatic difference. Working with the chairman of the Subcommittee on Labor, HHS, and Education of the Senate Appropriations Committee, I have seen funding for shelters climb from $10 million to more than $100 million. I know Senator SPECTER has been a strong advocate for the Violence Against Women Act programs. I am pleased that VAWA has always been a bipartisan issue in appropriations.

While we have much to be proud of today, we cannot forget that abuse is still too common. In Washington State, my home State, the toll-free domestic violence hotline received more than 37,000 calls between July 1998 and July 1999. We cannot forget that there are still too few resources for women in need. In my State during that same period, 23,806 women and children were turned away from shelters—turned away as they sought help because the resources were not there.

We cannot forget that not all communities offer a full range of services, and not all police departments are equipped to handle a life-threatening domestic violence call.

The truth is, while the Violence Against Women Act was a historic first step, it was just that, a first step. The time has come for us to build on the foundation created by that act. VAWA offered an immediate response to the threat of violence. Now it is time to address the long-term issues. It is time to confront the long-range economic barriers that trap women and children in violent relationships.

I have worked with Senators WELLSTONE and SCHUMER to write and introduce the Battered Women's Economic Security Act. This legislation tears down economic barriers and breaks the cycle of violence. Our bill deals with employment discrimination, insurance discrimination, housing assistance, legal help, and child care. It addresses the punitive elements of the welfare system that can penalize women who are fleeing dangerous situations. It provides additional help to shelters and providers to meet the overwhelming needs of battered women and children.

I had hoped we would have been able to reauthorize the Violence Against Women Act in a timely manner and move to addressing those economic issues that I have outlined. Unfortunately, we cannot have that debate today or in this session of Congress. But let me assure my colleagues we will be back in the 107th Congress to fight to put these powerful tools in the hands of victims and their advocates.

Before I conclude, I want to say a special word of thanks to the many people who have helped us reach this point today.

I thank, again, Senator LEAHY and Senator BIDEN for their leadership. They worked very hard to bring a bipartisan bill to the floor today.

I also thank all of the advocates who fought so hard to ensure the success of the Violence Against Women Act and who have been aggressive in urging this Congress to act. Without their support in our communities, VAWA would never have been a success.

I thank the Washington State Coalition Against Domestic Violence for its dedicated work.

I thank all of the advocates, police officers, and community leaders with whom I have worked since 1994 to implement VAWA and to strengthen this important act.

I thank the many shelters and organizations that have opened their facilities to me during this session of Congress, including the Tacoma-Pierce County YWCA, Kitsap Special Assault Victims Investigative Services in Bremerton, the Bellingham YWCA, the Vancouver YWCA Domestic Violence Day Care Shelter, the Spokane Domestic Violence Consortium, the Spokane Women's Drop-In Center, and the people at Vashon Island Domestic Violence Outreach Services.

As I have visited with them, I have seen firsthand the services they offer and the challenges they face. I have spoken personally with women who have had their lives changed because of the services offered, and I have been impressed by the progress they are making day in and day out. Those experiences have strengthened my determination to support their work in the Senate.

In closing, it is clear the Violence Against Women Act has been a remarkable success. We cannot delay authorization any longer, and I urge my colleagues to vote for this measure. I look forward to working with those in the Senate and those in my State to help build on the progress of the Violence Against Women Act in the next session of Congress.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is remaining for the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 55 minutes 35 seconds.

Mr. LEAHY. Out of the 3 hours? We have not been in session 3 hours, Mr. President. The Senator from Vermont had a total of 3 hours. We went into session less than 3 hours ago.

The PRESIDING OFFICER. If the Senator will indulge, we will recalculate.

Mr. LEAHY. I thought there might be more. You have to watch out for that fuzzy math.

The PRESIDING OFFICER. The Senator from Vermont has 1 hour 55 minutes remaining.

Mr. LEAHY. That sounds a little closer to it. I am going to be reserving time for my own speech, but I have been withholding giving a speech because other Members on our side want to speak. I see the distinguished Senator from Maryland. I yield 5 minutes to the distinguished Senator from Maryland, my good friend.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I hope today the Senate will pass legislation to improve the lives of women in America and around the world and protect them from predators.

Make no mistake, when people commit crimes, they never commit crimes against people who are bigger, stronger, or have more power than they. They always go after the weak, the vulnerable. One can be weak either in physical strength or weak because one does not have the same size weapon.

Today we have two pieces of legislation pending: One, the reauthorization of the Violence Against Women Act, and the other will break new ground to protect women and children who are bought and sold around the world as if they were commodities. They are victims of predatory behavior.

By passing this legislation, we are going to protect them. Women in their own homes are often victims of violence. Mr. President, 900,000 women last year were battered in their own homes.

The Violence Against Women Act says we will not tolerate violence, whether it is in the home, in the neighborhood, or on a street corner.

I thank Senator LEAHY and Senator BROWNBACK who have been working on this legislation, along with Senator JOE BIDEN. We appreciate the support and leadership of the good men here.

We want to be sure that through this legislation, we are going to not only prevent violence but help women rebuild their lives. The Violence Against Women Act works through domestic violence programs at the State level, works with law enforcement, and works in treatment programs for those who were the abusers. I hope we pass this legislation.

The second part is legislation that will also be a hallmark. It is the Sexual Trafficking Victims Protection Act. Girls as young as 10 years old are kidnapped from their villages and taken to brothels or sweatshops where they are imprisoned, forced to work as prostitutes, beaten, threatened, and even drugged into submissiveness. They prey upon women in the poorest regions of the world.

In addition, in central and southern Europe, with the collapse of the old economy, women from very poor villages are lured by fraudulent scam

predators into thinking they are going to work in the West and are going to work in the hospitality industry. You bet it's hospitality. It is called turning them into whores.

I say to my colleagues, that is not what the free world and free economy should be about. We want to make the trafficking in women and children as criminal as the trafficking in illegal drugs. Guess what. Often the same scum who traffic in women are also the ones who traffic in drugs and traffic in illegal weapons of mass destruction.

I support and applaud the efforts of the Senator from Kansas who has taken the leadership in this area. He has visited Asia and has seen the recruitment and despicable circumstances under which young girls and children are forced to work. From briefings here, we know this is going on in the Balkans, out of Ukraine, and out of Poland. Many are brought into this country under false pretenses with phony visas. We have to stop the trafficking of women around the world.

This is very good legislation.

It will improve the lives of women in America and around the world. By passing the Violence Against Women Act, we are helping the victims of domestic violence to rebuild their lives. By passing the Trafficking Victims Protection Act, we are protecting women and children who are bought and sold, and forced into slavery.

Again every year, more than 900,000 women are victims of violence in their own homes. Every second, 20 women are battered. The Violence Against Women Act says we will not let violence threaten women, families, or communities.

Violence against women is not just a threat to the health and safety of women. It is a threat to the health and safety of families and our communities.

No woman in this country should live in fear. No woman should fear walking home at night. No woman should fear leaving a campus library. No woman should fear that her husband or boyfriend will hurt her or her children.

We will not tolerate it—not in Maryland, where 41 women were killed by domestic violence last year; not anywhere in America, where 4 women a day are killed by domestic violence.

The Violence Against Women Act supports programs that help women to rebuild their lives. It strengthens law enforcement's response to domestic violence. It gives legal assistance to victims of domestic violence, and it creates safe havens for women and children who are victims of domestic violence.

The Violence Against Women Act will protect thousands of woman throughout the country. Today we are also taking steps to protect women throughout the world—by passing the Sex Trafficking Victims Act.

The truly repugnant practice of trafficking in human beings affects between one and two million women and girls each year. As I have stated, girls as young as ten years old are kidnaped from their villages. Or unsuspecting families allow their daughters to leave—with promises of good jobs and better lives. These women are taken to brothels or sweatshops—where they are imprisoned. They are forced to work as prostitutes. They are beaten, they are threatened—and many are killed. Even if a woman escapes, she is often so afraid of retaliation that she will not testify against her abductors.

Organized, international criminals are responsible for the increase in trafficking. They prey on young women in the poorest regions of the world. They take advantage of the most vulnerable—who live in developing countries with poor economic and uneven law enforcement.

Most countries have no way of dealing with this sophisticated form of international crime. Many countries where trafficking is most prevalent lack the laws and law enforcement authority to handle the problem. To often, when local authorities catch traffickers, the women get the brunt of the punishment for prostitution—while traffickers face minor penalties.

That is why this legislation is so important. It focuses on prevention, protection, and support for victims, and prosecution of traffickers. It recognizes that trafficking is a global problem that requires an international solution.

To prevent trafficking this legislation raises the awareness of the problem in villages and countries. It educates potential victims by promoting anti-trafficking awareness campaigns and by authorizing educational and training assistance to international organizations and foreign governments. It also requires the Secretary of State to report on the severe forms of trafficking in persons in the annual country reports.

To strengthen prosecution, this legislation provides local authorities with the tools to crack down on traffickers.

To support the victims of trafficking, this legislation directs funds for international organizations that help these women to rebuild their lives. They are given a safe haven where they can recover. They are provided with education, training, and microloans.

This legislation also recognizes that trafficking is not just a foreign problem. Approximately 50,000 women are brought to the United States each year where they are forced into prostitution or other servitude. This bill toughens current Federal trafficking penalties by doubling the current maximum penalties for traffickers to 20 years imprisonment with the possibility of life imprisonment. It also changes immigration law to help victims of trafficking. This will stop the practice of deporting victims back to potentially dangerous situations.

We want this century to be one of democracy and human rights. We will not achieve this unless everyone, including the worlds' poorest women, is able to control their own lives. This means education, economic development, family planning and civic institutions that protect the rights of women. The legislation we are passing today will take us closer to achieving these goals. I urge my colleagues to join me in strongly supporting the Violence Against Women Act and the Sex Trafficking Victims Act.

In conclusion, 4 years ago, I was a victim of violence. I was coming home from dinner with a wonderful professor who was an economic adviser to me and was here for a conference. I got her to her hotel. As I stepped out of my car, zam, I was mugged. I lost my handbag. I had a severe injury to my hand. I tried to fight him off, but he was over 6 feet, and I am under 5 feet. Fortunately, I escaped with my life. All I had was a broken memory and shattered security in my own neighborhood.

Thanks to the success of the Baltimore Police Department and the pressing of charges and the willingness not to plea bargain, that man is doing time while I hope I am out here doing good. I want to be sure the streets of America are safe. I have an entire Baltimore community on my side, including the informants. Not every woman has that. Let's try to get them the resources they need to be safe in their homes and communities. I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I recall very well the incident of which the Senator from Maryland speaks. I am pleased this is a case where the perpetrator was arrested and prosecuted.

One of the things I learned in my years as a prosecutor is that too often nobody wanted to pursue those cases. All that meant, of course, was that somebody else would be a victim. In this case, it was the Senator from Maryland. But from my experience, had the person not been apprehended, not been convicted, then someday it would be somebody else. So I commend the people of Baltimore who rallied to her. At least out of that sorry thing there was adequate prosecution. But we have so much violence against women that we never see.

I recall so many times police officers seeing a badly battered woman, and where we would bring prosecution, but as I talked to her, I would find this had happened several times before in a domestic situation and that they had gone to law enforcement, and others, and had been turned back where nothing had been followed up on. We had a very aggressive program in my office where we would follow up on it. I have to think there are a number of deaths, though, that have occurred and do occur in places where it is not followed up on.

This is something you do not see in the sunny ads and the perfect homes and domestic situations that we see on our television. The fact is, there are a lot of places in this country where

there is enormous violence against women.

I would add to the comments of my colleague, it goes across every economic strata, it goes across all social strata. This is not one thing that is just in poor neighborhoods or just in one ethnic group or another. This goes across the economic strata. It goes across good neighborhoods and bad neighborhoods, large families and small families. But, unfortunately, many times it never comes to the attention of law enforcement. Regrettably, sometimes when it does, it is not followed up on. This act, itself, will help focus the attention of law enforcement on this.

Mr. President, the Senator from New Jersey had asked to speak, and I know the Senator from Louisiana wishes to speak.

Mr. BROWNBACK. Mr. President, if I could say before my colleague from Maryland leaves the floor, I thank her for her leadership on this Violence Against Women Act and for her statements on the sex trafficking bill. I look forward to working with her on both issues as we move forward. Hopefully, this will be cleared through the Senate and signed into law and we can take more actions and steps down the road to see that people are cared for in these terrible situations. I do appreciate her comments and her support. I thank the Senator.

I apologize for the interruption.

Mr. LEAHY. The Senator from Kansas does not have to make any apologies with all the work he has done on this. I appreciate him being here.

I yield 5 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I join with the others in thanking our colleague from Vermont, Senator LEAHY, for his leadership in this area and, of course, Senator BIDEN and other Senators who have spoken this morning on this important subject.

I want to follow up with what Senator LEAHY just said by sharing with him, and with all here, an unfortunate story that appeared recently in a newspaper out of Maryland where a 44-year-old man was convicted of raping an 18-year-old girl who was unconscious from drinking.

Unfortunately, this judge is one of many judges, or at least too many—the number is too high—who are ignorant and uninformed. He said on the record in this particular case: ''Finding an unconscious woman is a dream come true to a lot of men.''

Finding an unconscious woman is a dream come true to a lot of men.

I will submit this judge's name for the RECORD and will be writing him a personal letter, asking him, if he did make this statement which was reported, that he resign his seat immediately.

That is part of the problem we have in this Nation. The Senator from Vermont, as a former prosecutor, understands this well, that this problem is pervasive. It is a real shame in America—this country of freedom and order and democracy—that we still have a severe and serious problem of domestic violence.

Sometimes our Nation takes that extra step and goes that extra mile to stop violence on the street and to continue to support our police officers. Yet when it comes to stopping violence in our own homes, our Government falls short in terms of funding, in terms of research, in terms of education.

That is the hope that this act brings. It is to help move judges such as this off the bench; so when he is up for reelection, there is some education in the community that would force his either resignation or moving him off the bench through the election cycle.

There are prosecutors around the Nation, some of whom are more enlightened than others. But I will tell you of two in my State who are doing an outstanding job on this subject: DA Paul Connick from Jefferson Parish and DA Walter Reed from St. Tammany Parish.

We have many excellent DAs. But in the last few years, many of these DAs—99 percent of whom, I would imagine, in the Nation are male and who perhaps do not come to the subject from a very personal point of view—have been really educated because of the good work that has been done in this Congress and with groups all around this Nation.

These two particular DAs have instituted a very progressive policy which is basically a no-drop policy, which means that if a battered woman comes in to file a charge, the DA takes it upon himself, and basically the State and the county and the parish, even if she begins to back down because her self-esteem is not as strong as it should be, or she is understandably frightened, or she has been threatened if she does not drop the charges, to simply tell the abuser, when he comes in for his interview: I am sorry, we refuse to drop the charges. This is against you and me, buddy, basically, and we are going to see this to the end, where you can get the punishment coming to you.

They are really being very aggressive. I hope if other district attorneys or other staffers or folks and other elected officials are tuning in today, they will encourage district attorneys all over this Nation to take up the no-drop policy, because getting abusers convicted, getting them punished, and then getting them the right treatment for this is the only way we are going to stop this terrible tragedy from occurring.

There are so many things I could say about this subject, but I do think our leaders realize it is about education; it is about district attorneys; it is about judges, it is about the court system; it is not just about shelters and counseling and aid, which is so important. This is the first step, giving women a safe place to go, giving children a safe place to go. Our justice system must work for them. That is why this bill is so important.

My colleague from New Jersey is waiting to speak on the same subject. I thank Senator LAUTENBERG for his great leadership in this area. But let me just for the record read some recent headlines.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

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

Ms. LANDRIEU. I thank the Senator.

Mr. President, let me read some recent headlines from our national newspapers because the Senator was making an earlier point that I agree with, that this isn't just in poor neighborhoods; this isn't just in neighborhoods of people who have recently come to this Nation; this isn't about people who have not had a good education; this affects everyone in all walks of life.

''Popular Romance Novelist Shot and Killed by Estranged Husband,'' an AP story from June 1999.

''Tommy Lee goes to jail for Wife Abuse,'' from USA Today, in May 1998.

''Colorado Rockies Pitcher Arrested on Suspicion of Punching Pregnant Wife in Face,'' from the Washington Post, August 1999.

''Number of Women Dying from Domestic Violence Holding Steady Despite Drastic Drop in Overall Homicide Rates,'' San Francisco, February 1998.

Mr. President, we have to do a better job. We have to continue on this track. Violence has no place in our society—on our streets, on our playgrounds, or in back alleys. But it most certainly has no place in our homes where children grow up. If a home can't be safe, if a home can't provide peace for a child or a woman, as a person, where can they find peace, Mr. President? That is what this bill is about.

I think it is appropriate that the Violence Against Women Act will be passed with the Trafficking Victims Protection Act. It says that we understand that violence against women is a world wide problem.

In passing the Violence Against Women Act in 1994 we seized the opportunity to be a world leader—to take the stand that in the greatest democracy in the world it is unacceptable that such violence occurs.

We have spent $16 billion on programs on education, assistance and prosecution. We must continue.

Every 5 minutes a woman is raped. Every day four women die as a result of domestic violence.

More women are injured by domestic violence than by automobile accidents and cancer deaths combined.

We have made progress but there is more to be done.

Here are some of the other statistics from that Tulane study:

More than eight of ten knew someone who had been murdered;

More than half had witnessed a shooting;

43% said they had seen a dead body in their neighborhood; and

37% of them were themselves victims of physical violence.

If we think that violence is something that only affects other countries we must think again. If we think that a bill like the violence against women's act only affects women we are wrong.

Studies show that a child's exposure to the father abusing the mother is the strongest risk factor for transmitting violent behavior from one generation to the next.

A significant number of young males in the juvenile justice system were from homes where violence was the order of the day.

Family violence costs the nation from $5 to $10 billion annually in medical expenses, police and court costs, shelters and foster care, sick leave, absenteeism, and non-productivity.

Last week I told you about a woman from my State, Jacqulene Gersfeld, who was gunned down by her husband outside a courthouse just moments after she filed for divorce.

The VAWA reauthorization includes a provision to expand the investigation and prosecution of crimes of violence against women.

The need for this is great 85% of all reported rapes end up with no conviction. Almost 90% result in no jail time.

In Baltimore, MD, a 44 year old man was convicted of raping an 18 year old girl who was unconscious from drinking. The judge in the case said the following on the record: ''Finding an unconscious woman is a dream come true for a lot of men.'' And so he sentenced him only to probation.

Mr. LEAHY. Mr. President, I yield 10 minutes to the distinguished senior Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, first, I thank my colleague, Senator LEAHY, for helping us get an addition to this legislation that we think is critically important. I also extend my thanks to Senator BROWNBACK of Kansas for his assistance in enabling us to get our particular section of this bill into place.

Mr. President, a light comes as a result of the fact that we have our female colleagues with us in this Senate. How hard they work to get things done on both sides of the aisle. What a difference it has made in the way we operate. Many of us were here before there was a reasonable presence of women—and it is not yet ''reasonable''; I will strike that word. But that will change in time. We are getting there. They have helped to bring to the consciousness of all America the kinds of abuses that are perpetrated against women and young children who are female—disgusting practices that shock us all; trafficking in young women, forcing them into virtual slavery and being sexually exploited, and losing their identity in the process. It is a humiliation few can imagine. I commend the authors of this bill. Also, I commend them for including the section on violence against women.

Mr. President, 3 years ago, when we were hard at work trying to reduce gun violence in our society, I offered a piece of legislation to prohibit those who had even as little as a misdemeanor charge proven against them from getting guns. It was a tough battle, and we were on the losing side a couple of times, with the old song about it which is ''the camel's nose under the tent, and you will be controlling guns,'' and so forth, instead of thinking about how many lives we would save. We know that about 150 times a year a woman has a gun pointed at her head—and I guess the reverse is also true occasionally—and is told, ''I will blow your head off'' in front of children. What kind of wounds does that leave even if the trigger isn't pulled? It is a terrible memory for all of those who are either victims or witnesses.

With the help of President Clinton, we were finally able to get a piece of legislation in a budget bill that had to be done—it is almost 4 years now, and it had to be done and it passed and was signed into law—to prevent spousal and children abusers from getting permits to own a gun. The result is that almost 35,000 gun permits have been denied to these people—35,000 potential opportunities for a man to put a gun against a woman's head and threaten to take her life. So I support this bill with these two sections. I have added a section—myself and Senator MACK of Florida—that talks about helping those who have been victims of terrorism, whether on our shores or away from America. American citizens are deserving of protection. I am pleased the Senate is going to pass this package of worthy legislation.

The underlying Trafficking Victims Protection Act addresses a very serious human rights issue in Europe and elsewhere, where people are trafficking particularly for sexual exploitation. Finally, we are taking action to combat trafficking and to help these victims. I am pleased that this conference report will also reauthorize the Violence Against Women Act and expand coverage to include new programs for immigrant women, elderly women, and women in the military service.

Throughout my career, I have worked to help prevent domestic violence. I strongly supported the original Violence Against Women Act, which Congress passed in 1994. I am so pleased that we are going to take care of those aberrations of behavior that leave women and families devastated. But we are getting onto another subject, as well, which I think is critical, and that is to provide justice for victims of terrorism as part of the trafficking victims protection conference report.

Mr. President, we all talk about our objections and abhorrence of terrorist attacks against American citizens, whether abroad or at home, and I had an experience that was almost in front of my eyes which shocked me and caused me to think about how we might prevent terrorism against our citizens at any time, at any place.

One of those victims was a young woman named Alisa Flatow. She was a junior at Brandeis University and she was studying in Israel for a time. In 1995, on April 9, she boarded a bus that took her from a place called Ashkelon to another destination. She never arrived. Shortly after noon, when the bus was in the Gaza Strip, a suicide bomber drove a van loaded with explosives into the bus. Seven passengers were killed. Alisa Flatow was among those injured. An Israeli Defense Forces helicopter rushed her to a hospital in a community nearby. It was the same day I arrived in Israel from a trip in the Middle East. When I arrived there, our U.S. Ambassador informed me of the terrible tragedy that had occurred and that one of them was a constituent from New Jersey and that she had been severely injured in that attack. I immediately reached her home in West Orange, NJ, an area very familiar to me because I lived near that neighborhood.

I spoke to her mother, Rosalyn, and was informed that Alisa's father, Steve, was already on his way to Israel. By the time he arrived, the emergency surgery had failed to save his daughter's life. She died on April 10. She was 20 years old.

For any of those who have children, they know that 20 years of age is almost the beginning of life.

I have three daughters and a son. Those were marvelous years as they approached the end of their college terms and prepared for life beyond.

But that didn't prevent a faction of the Palestinian Islamic Jihad from claiming responsibility and being proud of what they did with that suicide bombing. What good was it going to do their cause to have one mission of terrorists to frighten people and prevent them from conducting their lives as they would like to without any specific gain to be had?

There was a sponsor who paid something to somebody to have these young people assassinated. It was Iran. That is one of the reasons that country is still on the State Department's list of terrorist countries.

I want to tell you, Mr. President, that I am befuddled by some of the policy decisions we make.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. LAUTENBERG. I ask if I can have 5 more minutes.

Mr. LEAHY. I yield 5 more minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank Senator LEAHY.

There is no stronger advocate for the protection and safety of our citizens than President Clinton. But I don't understand why we take a country such as Iran and start to deal with them in trade of insignificant items. Would you believe—I am almost embarrassed to

say it—that caviar, pistachio, Persian rugs are vital items for the well-being of our society? It is outrageous.

But there are differences in point of view. I am not a professional diplomat. Maybe I fail to understand the longer term value of something that looks trivial to me as I express myself.

For the past five years, I have been proud to stand with Steve Flatow in his effort to achieve some measure of justice for the killing of his daughter. He and I both want to hold Iran accountable.

But Alisa Flatow was not Iran's only victim. Matt Eisenfeld of Connecticut and Sarah Duker of New Jersey, a young American couple in Israel, also were killed in 1996 when a suicide bomb from an Iran-sponsored group ripped through a bus they had boarded.

One cannot comprehend what these missions are supposed to accomplish.

I don't want to bring the situation in Israel and the Middle East up to a full-scale debate at this moment. But there can be nothing gained by assaults against people or their property.

I made a speech yesterday in which I pleaded with Mr. Arafat to stop the hatred of his people; to stop the inflammation; to stop the propaganda that induces this kind of hatred and action; to stop ugly cartoons about people who inhabit Israel, the Jewish community; and to stop the anti-Semitic diatribes that still occur in Palestine. Stop it; stop it.

Well-known journalist Terry Anderson and others were held hostage in Lebanon in the late 1980s by captors funded by Iran.

They and their families also deserve justice, as do the families of those killed when the Cuban government in 1996 deliberately shot down two planes used by Brothers to the Rescue.

Mr. President, The Antiterrorism Act of 1996 gave American victims of state-sponsored terrorism the right to sue the responsible state.

The law carved out a deliberately narrow exception to the sovereign immunity protections our laws afford other countries.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. LAUTENBERG. Mr. President, I ask the Senator from Vermont if I may have 5 more minutes.

Mr. LEAHY. Mr. President, I yield an extra 5 minutes to the Senator from New Jersey, especially because of the tremendous work he has done along with the Senator from Florida, Mr. MACK, on this subject. I think they have had to overcome so many obstacles and so many mysterious holds on their legislation. I, of course, yield 5 more minutes to the Senator.

Mr. LAUTENBERG. I thank the Senator from Vermont not only for his graciousness in extending to me additional time but for the help and guidance that he gave as we tried to put this piece of legislation into law.

Our goal then, and our goal now, is to allow American victims to receive some measure of justice in U.S. courts and to make state sponsors of terrorism pay for the death and devastation they have wrought.

Victims of terrorism have put the 1996 law to good use. The Flatow family won a U.S. court judgment against Iran in 1998. Other victims of terrorism won similar cases.

The Justice for Victims of Terrorism Act helps the victims collect compensatory damages they've won fair and square in our nation's courts.

Foreign countries that sponsor terrorism should have to pay for the awful toll that terrorist attacks take on families like the Flatows. And we hope that making terrorist states pay that price will deter them from sponsoring terrorism in the future.

Let me close, by thanking the many cosponsors and Senators who have helped advance this legislation. I particularly would like to thank Senator MACK, who has been with me every step of the way, and Gary Shiffman on his staff.

I also want to thank Frederic Baron of my staff who worked so hard on this bill.

I think this bill is a good example of bipartisan cooperation for a worthy cause—helping provide justice for American victims of terrorism abroad.

I am sure this legislation will pass overwhelmingly, but I want this message to go out across this globe: that if you sponsor terrorism against American citizens, you will pay a price. We ought to be unrelenting in that. I was proud of our country when we moved against Afghanistan to pay for the perpetrators of dastardly acts against American citizens and their interests.

We can never step aside and argue whether or not it is appropriate. We have to find out by testing the waters, by making sure that the legislation is there. If there is a challenge, so be it. But we have to indicate we will not stand by and let this happen without repercussions to those who sponsor terrorism.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from New Jersey and the Senator from Florida for their excellent work. I want to take a moment to engage in a colloquy with Senator BROWNBACK to clarify a phrase in division A of the bill. In order to be eligible for the visa provided, the traffic victim would be required to prove she would face ''extreme hardship involving unusual and severe harm.''

This is a new standard under the Immigration and Nationality Act. Can the Senator explain why this new standard was created?

Mr. BROWNBACK. I am happy to respond to the Senator from Minnesota.

This was raised in conference committee under thorough discussion about this new standard of ''extreme hardship involving unusual and severe harm.'' There was a fear on the part of some conferees that some judicial interpretations over the term ''extreme hardship'' might be too expansive; specifically, the conferees objected to an interpretation that the applicant could prove ''extreme hardship'' by showing he or she would miss American baseball after being deported from the United States. So this language should be interpreted as a higher standard than some of these expansive interpretations of ''extreme hardship.''

At the same time, however, this language should not exclude bona fide victims who would suffer genuine and serious harm if they were deported. There is no requirement that the harm be physical harm. I repeat, there is no requirement that the harm be physical harm or that it be caused by the trafficking itself. The harm or the hardship does not have to be caused by the trafficking itself. The purpose of inserting the phrase ''unusual and severe'' is to require a showing that something more than the inconvenience and dislocation that any alien would suffer upon removal might occur.

I wish to make it clear in future interpretations of this act, while this is higher than extreme hardship, it doesn't require physical harm; it doesn't require the harm be associated with the trafficking, to be able to allow an American to qualify under this new definition within the act.

I thank my colleague from Minnesota for allowing me the opportunity to clarify this particular issue.

Mr. WELLSTONE. I thank the Senator for his clarification.

We have been talking about the trafficking legislation. Before a final vote, I want to get back to that legislation. I think it is such an important human rights effort.

I will talk about the reauthorization of the Violence Against Women Act and make a couple of points. Again, to have a vote on legislation that goes after this egregious practice of trafficking of women and girls for the purposes of forced prostitution and forced labor is important to our country and to the world. Then to have reauthorization of the Violence Against Women Act also makes this a doubly important bill. I am so pleased to be on the conference committee and to be able to be a part of helping to make this happen.

I thank Senator BIDEN, I thank Senator HATCH, and I thank Senator LEAHY and others, for including in this bill authorization for what we call safe havens or safety visitation centers. Let me explain by way of example from Minnesota. I need to honor these children, and I need to honor their mother. Anyone from Minnesota will remember the case of Alex and Brandon, seen in this picture; two beautiful boys. It was these two boys and what happened to them that made me understand the importance of safety visitation centers more than anything else that could ever have happened.

On July 3, 1996, Brandon, who was 5, and Alex, who was 4, were murdered by their father during an unsupervised visit. Their mother, Angela, was separated from Kurt Frank, the children's father. During the marriage, she was physically and emotionally abused. Angela had an order of protection against Kurt Frank, but during the custody hearing she requested her husband not be allowed to see the children in unsupervised settings. The request he see the children only in supervised settings was rejected by the judge. Kirk Frank was able to see his sons with no supervision. When he did, and God knows why, he killed them. We have a center now, that the community supports, which is a safety visitation center.

The point is this: There are two different examples. Say a woman has been battered. And please remember, every 13 seconds a woman is battered in the country. Say she has had the courage to get away, to end this marriage. There is a separation going on and a divorce; you are still not necessarily going to say the father can't see the child, but if the father comes to the home to pick up the child, he steps inside the home and then battering can start again. There is no protection. If you can do it at the safe havens, supervision centers, you can protect the woman and you can protect the children.

Or it might be the case where you are worried about the threat of a father to the children, but you cannot say a father can't see the child; with a supervised visitation center the father can see the children there.

This is really important. We are working very hard right now with Senator HOLLINGS to get some funding. I am pleased this is a part of this legislation.

I say to colleagues, this was the work of Jill Morningstar on my staff, who, with my wife Sheila, made a lot of progress. It is so important to reauthorize. The hotline is important; the training for police is important; the support for law enforcement is important; the support for battered women shelters is so important for the people who are there in the trenches. All of this matters. The focus on rural communities and support in rural communities is important, as well. It has made a difference, a big difference.

In my State of Minnesota, this year already 33 women have been murdered. Each case is an example of ''domestic violence.'' Last year, in the whole year, it was only 28. The year is only half over and we have already had 33 women who have been murdered. Clearly, we are going to have to do a lot more. To reauthorize this bill today is a huge victory.

Mr. President, I think it should whet our appetite to do much, much more. I am absolutely committed to making sure we do more to provide some support for children who witness this violence in their homes. These kids run into difficulty in school. These kids, quite often, run into trouble. These children are falling between the cracks and there is no real support for them.

There is another piece of legislation—and I hope to get it in the bill—I am very excited about Day One in Minnesota where we want to make sure all of the shelters are electronically wired so with one call to the hotline, a woman will know where she and her children can go. Rather than calling, being told there is no space, and then not knowing where to go, it should only take one call. That is very important.

Then, there is a whole set of initiatives that would enable women to be more independent, to get more support to be more independent—whether it be affordable housing, whether it be family and medical applied to women in this situation, whether it be more job training—you name it. This will enable women to be put in a position where they are not unable or unwilling to leave a very dangerous situation for themselves and their children.

I say to colleagues, I am so pleased we are going to pass this conference report with an overwhelming vote. I am pleased to be a part of helping to work out this agreement. But I also think clearly, more than anything else, this ought to make us more determined to do much more. Again, about every 13 seconds a woman is battered in her home today in our country.

I will take a little more time to talk about the trafficking bill, since both these bills are linked together, to again make the point for all my colleagues, Democrats and Republicans alike, it is critically important to vote for this conference report, to keep this conference report intact.

I will keep thanking Senator BROWNBACK. It has been great to work with him. I thank him for his fine work.

We are talking about 50,000 women, girls, trafficked to our country. We are talking about 2 million worldwide. We are talking about women, sometimes girls as young as 10 or 11, coming from countries where there is economic disintegration. They are trying to figure out a way they could go somewhere and they are told they could become waitresses. They are told there is a job.

When they arrive, their visas are taken away from them; they are beaten; they don't know the language; they don't know their rights; and they are forced into prostitution. We had a massage parlor 2 miles from here in Bethesda which was staffed mainly by Russian-Ukraine women. That is one example. This is one of the grimmest aspects of the new global economy. It is, in many ways, more profitable than drugs because these women and girls are recyclable. It is that God-awful. In the year 2000, this legislation is the first of its kind in this country. It is a model for many other governments around the world.

We put a focus on three ''P's'': No. 1, prevention, getting the outreach work done to other nations so these young girls and women will know what they are getting into and have some understanding what these traffickers are about. No. 2, protection, so when a girl steps forward, then she is not the one who pays the price. Right now there is no temporary visa protection so if you were to try to get out of this you are the one who is deported. In the meantime, these traffickers go without any punishment, which is something I want to get to in a moment. So you want to provide that protection. You also want to provide services for these young women to be able to rebuild their lives after they have been through this torture. It is torture. And finally, No. 3, prosecution. Right now our law enforcement community tells us they want to go after them but they do not have the laws. What we are saying is, if you are involved in this trafficking, you are going to face stiff sentences. If you are involved in the trafficking of a girl under the age of 14, you can face a life sentence. So there is a very strong part of the provision dealing with punishment.

We also have a listing of countries where this is happening, with a special focus on governments that are complicit in it. The President can take action against those governments, but there are also security waivers and other waivers. It is a balanced piece of legislation. I am proud of it. I think it will make a difference.

I think it is terribly important. I read some of these examples before. Let me give a couple of examples right now of what is happening in the year 2000.

In Los Angeles, where traffickers kidnapped a Chinese woman, raped her, forced her into prostitution, posted guards to control her movements, and burned her with cigarettes, the lead defendant received 4 years and the other defendants received 2 to 3 years for this offense.

In another case where Asian women were kept physically confined for years, with metal bars on the windows, guards and an electronic monitoring system, and were forced to submit to sex with as many as 400 customers to repay their smuggling debt, the traffickers received between 4 and 9 years. This is the year 2000 we are talking about.

Then I gave the example of a 1996 trafficking case involving Russian and Ukrainian women who would answer ads to be au pairs, sales clerks, and waitresses but were forced to provide sexual services and live in a massage parlor in Bethesda, MD. The Russian-American massage parlor owner was fined. He entered a plea bargain, the charges were dropped, with the restriction he would not operate a business again in Montgomery County. The women, who had not been paid any salary and were charged $150 for their housing, were deported or left the country.

This is what we are dealing with right now. There was a case involving

70 deaf Mexicans that my colleagues may remember, who were held under lock and key, forced to peddle trinkets, who were beaten and in some cases tortured. The leader received 14 years and the other traffickers from 1 to 8 years.

We intend to take this more seriously. Let me give one other example. The United States v. Hou, several Mexican nationals, all illegally in the United States, were required to live in one of the chicken sheds at an egg ranch. The shed was open to the elements. The defendants, man and wife, did not give the men any shelter, but encouraged them to build a small room out of cardboard and styrofoam egg cartons.

The men lived less than 15 feet from the chickens they tended. The men had to spread powerful pesticides in and around the chicken sheds, and the chemicals and various fuel oils were stored immediately next to their cardboard room. Faulty wiring in the rickety building resulted in a fire. One of the workers was killed as he tried to escape the shed and another suffered horrible burns. Despite the atrocious conditions, there was no evidence that the men had been kept in the defendants' service through threats of force or violence; the men stayed in the shed because Ms. Hou preyed upon their lack of English-speaking ability and lack of immigration status, deliberately misleading the victims and convincing them there was nowhere else to go.

Because the labor of the workers was maintained through a scheme of nonviolent and psychological coercion, the case did not fall under the involuntary servitude statutes—which could have resulted in life sentences given the death of one of the victims. Our legislation changes that. That is why this legislation is so important. No longer in the United States of America are we going to turn our gaze away from this kind of exploitation, to this kind of murder of innocent people.

This is a real commitment by the Senate and the Congress to defend human rights. This is a good piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Kansas.

Mr. BROWNBACK. Mr. President, I wish to speak on a couple of other provisions in this bill to clarify those for Members. We will be voting on it later today. If others of my colleagues desire to speak on this bill, I urge them to come to the floor and speak now or forever hold their peace on this particular piece of legislation.

The item I wish to speak on now is Aimee's law. This is a part of this overall conference report that has passed the House, as I mentioned, by 371–1. Aimee's law was prompted by the tragic death of a college senior, Aimee Willard, who was from Brookhaven, PA, near Philadelphia. Arthur Bomar is a convicted murderer who was earlier paroled from a Nevada prison. Even after he had assaulted a woman in prison, Nevada released him early. Bomar traveled to Pennsylvania where he found Aimee. He kidnapped, brutally raped, and murdered Aimee. He was prosecuted a second time for murder for this terrible crime in Delaware County, PA.

Aimee's mother, Gail Willard, has become a tireless advocate for victims' rights and serves as an inspiration on this particular piece of legislation.

This important legislation would use Federal crime-fighting funds to create an incentive for States to adopt stricter sentencing laws by holding States financially accountable for the tragic consequences of an early release which results in a violent crime being perpetrated on the citizens of another State. Specifically, Aimee's law will redirect Federal crime-fighting dollars from a State which has released early a murderer, rapist, child molester, to pay the prosecutorial and incarceration costs incurred by a State which has had to reconvict this released felon for a similar type of crime.

More than 14,000 murders, rapes, and sexual assaults on children are committed each year by felons who have been released after serving a sentence for one of these very same crimes.

Convicted murderers, rapists, and child molesters who are released from prisons and cross State lines are responsible for sexual assaults on more than 1,200 people annually, including 935 children, including Aimee Willard.

The reason I point this out is because Aimee's law previously passed this body by a vote of 81–17. As I mentioned, it redirects Federal crime funds from a State that has released early a murderer, rapist, or child molester, to pay the prosecutorial and incarceration costs incurred by a State which has had to reconvict this felon for a similar crime.

The formula for early release is if the criminal served less than 85 percent of his original sentence, and if a State kept a criminal in prison less time than the national average for a sentence of the same crime.

To counter concerns raised by the National Governors' Association, this does not federalize any crimes. I emphasize that, it does not federalize any crimes. It simply upholds State standards regarding murder, rape, and child molestation.

Sex offenders have one of the highest recidivism rates of any crime, thus, requiring more stringent standards in amount of the sentence served.

This only affects Federal crime funds which are transferred from State 1 to State 2 where a crime has been committed of a similar type by the criminal who was released early from State 1.

The reason I go through this at some length is because some of my colleagues have a concern about this. I understand there will be a point of order raised against this as being part of the overall package. There will be a vote on that point of order.

If people want to get this bill dealing with sex trafficking, the Violence Against Women Act, the international terrorism aspect of this bill, the Internet alcohol enforcement of this bill through, they need to vote against those who seek to strip this particular provision out of the bill because if they strip this provision out, the bill has to go back to the House for it to be voted on, and it will have to be voted on again in the Senate.

We do not have the time to do it. It will kill the bill. If people vote to strip this provision out of this particular bill and send it back to the House, and it has to come back here, it will kill the bill. We do not have time to do that.

While some raise federalism arguments, most of our colleagues have already voted in favor of Aimee's law; 81 have voted in favor of it already. There are some arguable federalism principles involved. I think most of those have been worked out with the National Governors' Association. There is a strong advocacy group that has worked to get these standards where, if a person has been convicted in one State, they should serve their time rather than being released to commit a similar crime in another State. That is the direction of this.

I plead with my colleagues: Do not remove this provision. Do not support the point of order because, if you do, it is going to kill everything. It will kill the sex trafficking bill. It will kill the Violence Against Women Act. Do not do it. Most people have already supported this particular provision, Aimee's law.

I wish to say a couple of things on other issues before we break for the policy luncheons. I particularly appreciate my colleagues, Senator LAUTENBERG and Senator MACK, for their provisions on the Justice for Victims of Terrorism Act. I understand Senator HATCH will speak later about the 21st Amendment Enforcement Act on VAWA. We have had an excellent discussion this morning on the importance of this legislation protecting women who are subject to domestic violence. This is reauthorization of important language and important legislation and strengthening of it as well. That is an important feature.

I appreciate Senate majority leader TRENT LOTT bringing this issue to the floor. It is a good package of protection for both domestic and international women and children subject to violence. That is the theme that runs through this set of acts. It is protection for women, protection for children, protection domestically, and protection internationally.

I am very pleased with this legislation. It is a key piece of legislation to pass during this session of Congress to provide that level of protection. I am glad it has been done on a bipartisan basis. Mostly my colleagues from the other side of the aisle have spoken this morning supporting this legislation. Support is similarly strong on our side

of the aisle. It is good to have that support back and forth.

Rather than using up the rest of my time, I simply say to my colleagues who want to speak, please come to the floor. I anticipate we will be voting on this legislation by the middle of the afternoon. We will be recessing for policy luncheons from 12:30 p.m. until I believe 2:15 p.m., which is the normal recess time.

This will be a good time for people to comment on this important legislation. I plead with them: Do not strike this particular provision, Aimee's law, because it will sink the entire bill. It is a good bill. It is good legislation. It previously passed both Houses overwhelmingly. Let's get it done.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I yield the distinguished Senator from New Mexico time off my time. I yield to him for another purpose, and once he speaks, I am sure the Chair will understand the reason. I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank my colleague for his courtesy in yielding me some time. I ask unanimous consent that I be allowed to speak as in morning business for 3 minutes.

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

(The remarks of Mr. BINGAMAN are located in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I reiterate something the Senator from Kansas and the Republican floor leader on this bill have said, and that is that we hope, because of the request of a number of Senators on both sides of the aisle, to get these votes on both the Thompson point of order and final passage sometime midafternoon today. As one who holds the largest bulk of the individual time, I alert my colleagues that after the distinguished Senator from Utah and the distinguished Senator from Delaware, I will yield back the remaining part of that time which will move up somewhat the time of the vote.

The reason, incidentally, I have reserved the bulk of my time is to protect a number of Senators who wished to speak. I think virtually all of them have spoken. At least one of the Senators who would have wished to speak, the Senator from California, Mrs. FEINSTEIN, has just undergone surgery for an accident to her leg and is not going to be here, although, of course, any statement by her will be printed in the RECORD. But the others have spoken.

Mr. President, I am glad that the Senate is finally taking up this conference report. Unlike the conference on the Hatch-Leahy juvenile justice bill that passed the Senate in May 1999 with a bipartisan majority of 73 votes, and so many other matters that are still left undone by this Congress, we have an opportunity through this conference report to come to conclusion on three items that I have supported and tried to pass for many months. Unfortunately, there are two additional, extraneous items that were added over my opposition and that should not have been added to this conference report at all. I will speak on each of these matters.

At the outset, I want to acknowledge the important work of Representative CONYERS in the House, who has been a stalwart and consistent supporter of the Violence Against Women Act of 2000. Without his cooperation and support and the hard work of his staff, we would not be standing here today. I also want to pay tribute to the efforts of Senators BOXER, MIKULSKI, LINCOLN, LANDRIEU, MURRAY and FEINSTEIN. Their efforts throughout this Congress, including in the last several days, have made the difference in our ability to move forward to begin this debate today.

With Senators KENNEDY, BIDEN, SPECTER, SMITH and so many others, I have been urging the Republican leadership to take up and pass the Violence Against Women Act of 2000 for some time. I had to urge action by the Judiciary Committee for several weeks before we were finally able to have it added to the agenda on June 15, 2000. It was reported unanimously the same month. Over the last several months since this legislation was reported, I have worked and prodded and pushed along with our Democratic Leader Senator DASCHLE, Senator REID, Senator DURBIN, Senator ROBB, Senator BINGAMAN and others on both sides of the aisle to try to get this matter taken up and passed without further delay.

The President of the United States wrote the Majority Leader back on September 27, 2000 urging passage. The First Lady and the Vice President had previously called for passage back in June at the time of the Judiciary Committee markup. The Violence Against Women Act of 2000 is a matter upon which we need to act.

I addressed this matter twice on the Senate floor in late September when an effort was being made by some on the Republican side of the aisle to try to use VAWA as a vehicle to force consideration of a flawed bankruptcy bill or to override Oregon state law. I said that playing political games with this important legislation was the wrong thing to do and that VAWA should not be used as leverage to enact less worthy provisions. Unfortunately, the Republican leadership in the Senate has been adamant in its refusal to take up and consider VAWA as a stand alone matter, even after the House passed its bill by a 415 to 3 vote. While we have been successful in preventing VAWA from being used as a vehicle for some measures, thanks in part to the President pro tempore Senator THURMOND and Senator BROWNBACK honoring commitments they made to me in order to go to conference, we have not been wholly successful and two additional and unfortunate riders are included over my objection in this conference report.

Due to their dilatory tactics, VAWA was allowed by the Republican leadership to lapse on Saturday, September 30, despite the fact that it has served the women of this country well and the measure had passed the House by a vote of 415 to 3. Such inaction by the current Senate majority is not limited to reauthorization of VAWA. Congressional leaders have continued to drag their feet on enacting comprehensive juvenile crime prevention and enforcement legislation and reasonable gun safety measures, which have been stalled in conference for over a year. Judicial vacancies around the country and most acutely in our federal courts of appeals remain vacant month after month, year after year, while qualified women and men cannot get a hearing or a vote. Legislation to extend the Campbell-Leahy program to help provide bulletproof vests for local law enforcement officers was the victim of a secret hold in the Republican Senate cloakroom. Important intellectual property legislation is stalled without explanation by a similar anonymous hold on the other side of the aisle. And hate crime legislation, the Local Law Enforcement Enhancement Act of 2000, has been dropped in conference in spite of the votes in both the Senate and House approving it.

I am pleased that we will finally be able to reestablish the Violence Against Women Act, a law that makes such a profound difference in the lives of women and families who fall victim to domestic violence. I would not normally support efforts to add extraneous items in a conference report. In this case, in light of the unwillingness of the Senate Republican leadership to allow the Senate to act on the Violence Against Women Act of 2000 and the lapse of its authorization, I joined with Senator BIDEN and Senator HATCH to add it to the sex trafficking conference report we now consider.

I agreed with Senator BIDEN's assessment that in light of its importance and the resistance we have seen from the Senate Republican leadership to proceed to the VAWA bill for a straight up or down vote, this was the only way we would ever be able to get it considered by the Senate this year. I commend Senator BIDEN for making clear at the second and last meeting of the conferees on September 28th that he intended to insist on the conference reauthorizing the Violence Against Women Act. Indeed, I had raised it at our initial meeting of conferees as the one thing we should consider adding to this bill, if anything extraneous was to be considered.

Unfortunately, when we voted on adding VAWA to the conference report,

only three Senate conferees voted to support it—Senators BIDEN, HATCH and me—and the other four Senate conferees all voted against. I am glad that over the ensuing days, the other four Senate conferees and the House conferees, whose votes initially seemed to doom this effort, have reversed position and joined with us to add VAWA into this conference report. I am glad that others agree with us that while we need to address the tragic plight of women who are brought to the United States, we need to pass reauthorization of VAWA to help battered women in this country, as well.

Although a conferee, I did not sign the conference report that we consider today. It may come as a surprise to some who have served in this body and remember how conferences are supposed to proceed, that I was not given an opportunity to consider the final report or to sign before it was filed. Indeed, after a second short meeting of conferees, the final meeting, which had been promised so that we could finalize our action, never occurred. Side deals were struck and broken and revised and implemented without resuming the conference. Legislating around here has come to resemble the television program ''Survivor'' more than the process intended by the Constitution or our Senate rules. We have all become increasingly accustomed to shortcuts in the legislative process, but we are now getting to the point that once sufficient numbers of signatures are obtained on a conference report, once an alliance has formed, conferees from the minority may not even be accorded an opportunity to view the final package let alone asked for their views. In this matter, after I had worked to ensure that VAWA was included in the conference report, I was treated like a member of the ill-fated Pagong tribe.

Had I been consulted we might have avoided the extended debate and point of order that Senator THOMPSON is bringing today. I was able to intervene just before the filing of the conference report when I obtained a draft that showed the elimination of the small state minimum funding level in certain grant programs. These eliminations would have been such a disaster for Vermont, New Hampshire, Delaware, Utah, Alaska and so many small and rural states that I had raise a strong objection and the small state minimum of $600,000 for shelters was restored by a last-minute handwritten change to the final conference report.

Unfortunately, while this conference report contains provisions that enjoy broad bipartisan support and will make a positive contribution to the well-being of many people, the Republican majority could not resist loading this conference report with other legislative proposals that are so problematic they could not have passed as stand-alone measures in this or any other Congress.

Let me begin by reviewing the positive parts of this conference report. These are the reasons that, last Friday, our colleagues in the House passed the Conference Report on Victims of Trafficking and Violence Protection Act 371 to 1.

The trafficking of people for the illicit sex trade or slave labor is plainly abhorrent. This conference report partially addresses that problem by providing additional authority to law enforcement and offering visas to victims of severe trafficking, among other measures. Those who have experienced the horror of trafficking and are willing to assist law enforcement in prosecuting trafficking should receive the option of staying in the United States. The law enforcement and immigration measures in this report are the result of compromises reached between both Houses and both sides. In some cases, especially in the immigration area, these provisions are not as generous as I and many other members of this conference would prefer.

This bill will also insist that information about severe forms of trafficking in persons be provided in the annual State Department Country Report for each foreign country, an important step forward in our attempts to raise consciousness about this issue. It also provides for the establishment of an Inter-Agency Task Force to monitor and combat trafficking, with annual and interim reports on countries whose governments do not comply with the minimum standards. The bill calls upon the President to establish initiatives to enhance economic opportunity for potential trafficking victims, such as microcredit lending programs, training, and education.

As someone who has been a strong supporter of human rights, both in the United States and abroad, I am pleased to be associated with this attempt to reduce trafficking and protect its victims. I hope that the Senate can also turn its attention to human rights issues that affect immigrants who arrive in the United States willingly. In particular, I request that the Senate consider S. 1940, the Refugee Protection Act, a bill I have introduced with Senator BROWNBACK that would restrict the use of expedited removal to times of immigration emergencies. Under expedited removal, those who flee persecution in their home countries face automatic removal from our country if they are traveling without documents, or even with documents that are facially valid but that an INS officer suspects are invalid. The limited protections that were built into this process when it was adopted in 1996 have proven insufficient, and we are receiving continuing reports of people in real danger being forced to leave the United States without even a hearing. This is simply inappropriate, and does an injustice to our nation's reputation as a haven for the oppressed.

As I already noted, reauthorization of the Violence Against Women Act, or VAWA II, was also added to this report with strong bipartisan support. This is a particularly appropriate bill to add to this conference report. As the conference report states, ''[t]raffickers primarily target women and girls, who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunity in countries of origin.'' VAWA II contains a number of important programs to protect women and children in this country, and would complement the goals of this legislation.

I witnessed the devastating effects of domestic violence early in my career as the Vermont State's Attorney for Chittenden County. In those days, long before the passage of the VAWA, Vermont lacked the support programs and services to assist victims of domestic violence. Today, because of the effort and dedication of people in Vermont and across the country who work on these problems every day, an increasing number of women and children are receiving help through domestic violence programs and shelters around the nation.

Six years ago, VAWA passed Congress as part of the Violent Crime Control and Law Enforcement Act. That Act combined tough law enforcement strategies with safeguards and services for victims of domestic violence and sexual assault. I am proud to say that Vermont was the first State in the country to apply for and receive funding under VAWA. Since VAWA was enacted, Vermont has received almost $14 million in VAWA funds. Since the passage of VAWA in 1994, I have been privileged to work with groups such as the Vermont Network Against Domestic Violence and Sexual Assault and the Vermont Center for Crime Victim Services and countless advocates who work to stop to violence against women and who provide assistance to victims.

This funding has enabled Vermont to develop specialized prosecution units and child advocacy centers throughout the state. Lori Hayes, Executive Director of the Vermont Center for Crime Victim Services and Marty Levin of the Vermont Network Against Domestic Violence and Sexual Abuse have been especially instrumental in coordinating VAWA grants in Vermont. Their hard work has brought grant funding to Vermont for encouraging the development and establishment of arrest policies for combating rural domestic violence and child abuse. These grants have made a real difference in the lives of those who suffer from violence and abuse. Reauthorization of these vital programs in VAWA II will continue to build on these successes.

VAWA II continues to move us toward reducing violence against women by strengthening law enforcement through the extension of STOP grants, which encourage a multi-disciplinary approach to improving the criminal justice system's response to violence against women. With support from STOP grants, law enforcement, prosecutors, courts, victim advocates and

service providers work together to ensure victim safety and offender accountability.

The benefits of STOP grants are evident throughout Vermont. With STOP grants the Windham County Domestic Violence Unit, the Rutland County Women's Network and Shelter and others like them have enhanced victim advocacy services, improved safety for women and children, and ensured that perpetrators are held accountable. The Northwest Unit for Special Investigations in St. Albans, Vermont, established a multi-disciplinary approach to the investigation of adult sexual assault and domestic violence cases with the help of STOP funds. By linking victims with advocacy programs at the time of the initial report, the Unit finds that more victims get needed services and support and thus find it easier to participate in the investigation and subsequent prosecution. The State's Attorney's Office, which has designated a prosecutor to participate in the Unit, has implemented a new protocol for the prosecution of domestic violence cases. The protocol and multi-disciplinary approach are credited with an 80 percent conviction rate in domestic violence and sexual assault cases.

Passing VAWA II will continue grants that strengthen pro-arrest policies and enforcement of protection orders. In a rural state like Vermont, law enforcement agencies greatly benefit from cooperative, inter-agency efforts to combat and solve significant problems. Last year, approximately $850,000 of this funding supported Vermont efforts to encourage arrest policies.

Vermont will also benefit from the extension of Rural Domestic Violence and Child Victimization Enforcement Grants under VAWA II. These grants are designed to make victim services more accessible to women and children living in rural areas. I worked hard to see these provisions included in the original VAWA in 1994, and I am proud that its success has merited an increased authorization for funding in VAWA II. Rural Domestic Violence and Child Victimization Enforcement Grants have been utilized by the Vermont Network Against Domestic Violence and Sexual Assault, the Vermont Attorney General's Office, and the Vermont Department of Social and Rehabilitation Services to increase community awareness, develop cooperative relationships between state child protection agencies and domestic violence programs, expand existing multi disciplinary task forces to include allied professional groups, and create local multi-use supervised visitation centers.

VAWA II also reauthorizes the National Stalker and Domestic Violence Reduction Grant. This important grant program assists in the improvement of local, state and national crime databases for tracking stalking and domestic violence. As we work to prevent violence against women, we must not forget those who have already fallen victim to it. VAWA II recognizes that combating violence against women extends beyond providing assistance to victims, it includes preventing women from becoming victims at all.

The National Domestic Violence Hotline, which has assisted over 180,000 callers, will continue its crucial operation through the reauthorization of VAWA. Much like the state hotline that the Vermont Network Against Domestic Violence and Sexual Assault helped establish in Vermont, the National Hotline reaches victims who may feel they have nowhere to turn.

I am especially pleased to see that VAWA II will authorize a new grant program for civil legal assistance. In the past, funding for legal services for victims of domestic violence was dependent on a set-aside in the STOP grant appropriation. This separate grant authorization will allow victims of violence, stalking and sexual assault, who would otherwise be unable to afford professional legal representation, to obtain access to trained attorneys and advocacy services. In my State, Vermont Legal Aid, the Vermont Network to End Domestic Violence and the South Royalton Legal Clinic of Vermont Law School are currently involved in a collaborative project to expand civil legal assistance services to domestic violence victims across the state. These three organizations are partnering to create Intensive Service Teams that will provide coordinated civil legal assistance and victim advocacy in Rutland County and the Northeast Kingdom. Grants such as this one that support training, technical assistance and support for cooperative efforts between victim advocacy groups and legal assistance providers will continue to prosper under VAWA II.

I remain concerned, however, over a highly objectionable provision that prohibits any expenditure of the civil legal assistant grant funds to support litigation with respect to abortion. Currently, the Legal Services Corporation (LSC) operates under two abortion-related restriction provisions: The 1974 LSC statute bans the use of federally appropriated Corporation funds for legal assistance for any abortion-related proceeding or litigation. Additionally, an appropriations rider to the Commerce-Justice-State appropriations bill restricts LSC funds from use by any person or entity that participates in abortion-related litigation.

The language in VAWA II bill reaches further, in the sense that it would ban more organizations than just LSC from spending funds on abortion-related litigation. Under the Senate language, grants can be made to private, non-profit entities, Indian tribal governments, and publicly funded organizations such as law schools. These grantees are certainly worthy and appropriate to provide these services generally; the objection is solely that they should not be gagged from providing abortion related legal assistance. I am concerned about the precedent this provision would set in expanding the restriction on abortion-related litigation to other programs and organizations. I think this kind of language should give us pause as we consider the effect it would have on victims who, in the face of domestic violence, sexual assault in family relationships, incest or rape, must run a gauntlet of congressionally imposed barriers in order simply to obtain full and complete information about their comprehensive health-care options.

The original VAWA authorized funding for programs that provide shelter to battered women and children. I am pleased to see that VAWA II expands this funding so that facilities such as the Women Helping Battered Women Shelter in Burlington, Vermont, and the Rutland County Women's Shelter in Rutland, Vermont will continue to serve victims in their most vulnerable time of need. As I have noted, at one point I obtained a draft conference report that had dropped the $600,000 small state minimum funding these grants. I am relieved that my objection was heard and the minimum restored.

As glad as I am that we are finally reauthorizing VAWA, this is not the version of VAWA that I cosponsored and supported in the Judiciary Committee and urged the Senate to enact. In fact, this is not the VAWA II bill that was negotiated among staff at a bipartisan, bicameral meeting earlier in this process. The version of VAWA II in this conference report was negotiated behind closed doors in the last minutes before the conference report was filed. Unfortunately, this approach saw additional provisions added and struck that have diminished the final product. One provision of particular concern to me is that on transitional housing.

The previous Senate version of the Violence Against Women Act of 2000, S. 2787, had over 70 co-sponsors. I am one of them. That version included better provisions on transitional housing assistance. It would have been a significant improvement over the original VAWA. This new grant program for short-term housing assistance and support services for homeless families who have fled from domestic violence environments was a priority for me and Vermont, where availability of affordable housing is at an all-time low. Unfortunately, this authorization was reduced to one year without my consent. Those involved in the discussions attribute the change to ''jurisdictional concerns'' of the Health, Labor and Pensions Committee. I look forward to working with Senators JEFFORDS, GREGG and KENNEDY next year during reauthorization of the Child Abuse Prevention and Treatment Act to extend the authorization of this important program. We should all be concerned with providing victims of domestic violence with a safe place to recover from their traumatic experiences. In addition, I would like to see more support

for groups that address the need for funding for under-served populations.

There are positive things to come out of the revised version of VAWA II. I am pleased that we were able to cover ''dating violence'' in most of the provisions and grant programs. The Bureau of Justice Statistics report indicates that more than four in every 10 incidents of domestic violence involves non-married persons, and further, that the highest rate of domestic violence occurs among young people aged 16–24. It is crucial that we authorize prosecution of their offenders. We cannot ignore this increasingly at risk segment of the population. The House-passed version of VAWA II had contained such provisions and I support them as they have been incorporated into the conference report.

In 1994, we designed VAWA to prevent abusive husbands from using control over their wives' immigration status to control them. Over the ensuing six years we have discovered additional areas that need to be addressed to protect immigrant women from abuse, and have attempted to do so in this legislation. VAWA II will ensure that the immigration status of battered women will not be affected by changes in the status of their abusers. It will also make it easier for abused women and their children to become lawful permanent residents and obtain cancellation of removal. With this legislation, battered immigrant women should not have to choose to stay with their abusers in order to stay in the United States.

I am pleased that we have taken these additional steps to protect immigrant women facing domestic abuse in the United States. I would also like to point out the difficult situation of immigrant women who face domestic violence if they are returned to their home country.

Numerous cases have arisen recently in which women who fear being killed by abusive spouses in their native lands were denied claims for asylum, despite the fact that the police in those countries do not enforce what limited laws apply to domestic violence. There are additional cases in which women who fear for their lives due to ingrained social practices—such as ''honor killings'' in Jordan, in which families have female relatives killed for ''dishonoring'' them—have lost asylum claims. The Attorney General is currently reviewing the Board of Immigration Appeals decision Matter of R-A-, which is the precedent on which these later decisions have been based. I have written, along with Senator LANDRIEU and many other of my colleagues, urging the Attorney General to reverse this decision and protect women who face persecution. I renew that request today, and hope that the passage of this legislation will prompt action on this issue as well.

The conference report includes a provision that would require dissemination of sex registry information to colleges and universities. Currently, the Family Educational Rights and Privacy Act (FERPA) applies strict restrictions on the dissemination of information in ''education records,'' but these restrictions are specifically defined to exclude ''records maintained by a law enforcement unit'' of the school and were created for a law enforcement purpose. Thus, to the extent that campus police get information about registered sex offenders under State law, they are able to use it as they wish. Apparently not satisfied to leave this issue to the States, the conference report would mandate that States provide sex registry information concerning students to colleges and universities where the students are registered.

I see no need to impose a federal disclosure requirement when the States are now free to regulate as they see fit the dissemination of sex registry information to schools and campus police, who may use it to protect the safety of those on campus. No one is opposed to taking adequate safety measures regarding sex offenders on campus. My concern has to do with unnecessary federal mandates when the States are perfectly capable of addressing the issue.

VAWA II includes a provision to enhance protections for older women from domestic violence and sexual assault. Last year I introduced the Seniors Safety Act, S. 751, which would enhance penalties for crimes against seniors. This provision in VAWA II is an important complement to that legislation and I am pleased this provision has been able to generate wide support.

VAWA II would also help young victims of crime through funding for the establishment of safe and supervised visitation centers for children in order to reduce the opportunity for domestic violence. Grants will also be extended to continue funding agencies serving homeless youth who have been or who are at risk of abuse and to continue funding for victims of child abuse, including money for advocates, training for judicial personnel and televised testimony.

Many of the most successful services for victims start at the local level, such as Vermont's model hotline on domestic violence and sexual assault. VAWA II recognizes these local successes and continues grant funding of community demonstration projects for the intervention and prevention of domestic violence.

The original VAWA was an important and comprehensive Federal effort to combat violence against women and to assist the victims of such violence. Passage of VAWA II gives us the opportunity to continue funding these successful programs, to improve victim services, and to strengthen these laws so that violence against women is eliminated. I am pleased that we were able to find a way to get this considered and passed. I deeply regret that we have not been able to do so in stand-alone legislation or before VAWA expired last month.

The conference report also includes the Justice for Victims of Terrorism Act. I commend Senators LAUTENBERG and MACK for working with the Administration on this consensus legislation which addresses serious policy concerns raised by prior versions of the bill. This measure has been cleared for action and passage by unanimous consent for some time by all Democratic Senators. In my view, it should have been passed in its own right a long time ago.

The Justice for Victims of Terrorism Act addresses an issue that should deeply concern all of us: the enforcement of court-ordered judgments that compensate the victims of state-sponsored terrorism. This legislation has the strong support of American families who have lost loved ones due to the callous indifference to life of international terrorist organizations and their client states, and it deserves our support as well.

One such family is the family of Alisa Flatow, an American student killed in Gaza in a 1995 bus bombing. The Flatow family obtained a $247 million judgment in Federal court against the Iranian-sponsored Islamic Jihad, which proudly claimed responsibility for the bombing that took her life. But the family has been unable to enforce this judgment because Iranian assets in the United States remain frozen.

The conference report that the Senate passes today will provide an avenue for the Flatow family and others in their position to recover some of the damages due them under American law. It will permit these plaintiffs to attach certain foreign assets to satisfy the compensatory damages portion of their judgments against foreign states for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources for such an act. It will also permit these plaintiffs to recover post-judgment interest and, in the case of claims against Cuba, certain amounts that have been awarded as sanctions by judicial order.

I am also pleased that this measure also includes a Leahy-Feinstein amendment dealing with support for victims of international terrorism. This amendment will enable the Office for Victims of Crime to provide more immediate and effective assistance to Americans who are victims of terrorism abroad—Americans like those killed or injured in the embassy bombings in Kenya and Tanzania, and in the Pan Am 103 bombing over Lockerbie, Scotland. These victims deserve help, but according to OVC, existing programs are failing to meet their needs. Working with OVC, we have crafted legislation to correct this problem.

The Leahy-Feinstein part of this measure will permit the Office for Victims of Crime to serve these victims better by expanding the types of assistance for which the VOCA emergency

reserve fund may be used, and the range of organizations to which assistance may be provided. These changes will not require new or appropriated funds: They simply allow OVC greater flexibility in using existing reserve funds to assist victims of terrorism abroad, including the victims of the Lockerbie and embassy bombings.

This provision will also authorize OVC to raise the cap on the VOCA emergency reserve fund from $50 million to $100 million, so that the fund is large enough to cover the extraordinary costs that would be incurred if a terrorist act caused massive casualties, and to replenish the reserve fund with unobligated funds from its other grant programs.

At the same time, the provision will simplify the presently-authorized system of using VOCA funds to provide victim compensation to American victims of terrorism abroad, by permitting OVC to establish and operate an international crime victim compensation program. This program will, in addition, cover foreign nationals who are employees of any American government institution targeted for terrorist attack. The source of funding is the VOCA emergency reserve fund, which we authorized in an amendment I offered to the 1996 Antiterrorism and Effective Death Penalty Act.

Finally, the provision clarifies that deposits into the Crime Victims Fund remain available for intended uses under VOCA when not expended immediately. This should quell concerns raised regarding the effect of spending caps included in appropriations bills last year and this. I understand the appropriations' actions to have deferred spending but not to have removed deposits from the Fund. This provision makes that explicit.

I want to thank Senator FEINSTEIN for her support and assistance on this initiative. Senator FEINSTEIN cares deeply about the rights of victims, and I am pleased that we could work together on some practical, pragmatic improvements to our federal crime victims' laws. We would have liked to do more. In particular, we would have liked to allow OVC to deliver timely and critically needed emergency assistance to all victims of terrorism and mass violence occurring outside the United States and targeted at the United States or United States nationals.

Unfortunately, to achieve bipartisan consensus on this provision, we were compelled to restrict OVC's authority, so that it may provide emergency assistance only to United States nationals and employees. It seems more than a little bizarre to me that the richest country in the world would reserve emergency aid for victims of terrorism who can produce a passport or W–2. I will continue to work with OVC and victims' organization to remedy this anomaly.

I regret that we have not done more for victims this year, or during the last few years. I have on several occasions noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, I must note that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered. I look forward to continuing to work with the Administration, victims groups, prosecutors, judges and other interested parties on how we can most effectively assist victims and provide them the greater voice and rights that they deserve.

This is the third good part of the package that comes before the Senate today. The sex trafficking bill, VAWA II and the Justice for Victims of Terrorism legislation could each have passed in its own right. The are being bundled together because the Republican leadership refused to proceed to consideration of VAWA II or the victims legislation and this session is drawing to a close. We are already passed the sine die adjournment date that had been set by the Majority Leader. We are already into the second or third or fourth continuing resolution needed to keep the government operating while Congress completes appropriations bills that should have been enacted in July and September.

While the conference report contains many provisions which I support, it also has been used as a vehicle for some pet Republican legislative projects that I do not endorse. I refer specifically to ''Aimee's law'' and the ''Twenty-First Amendment Enforcement Act.''

The conference report contains a legislative proposal called ''Aimee's law,'' which, though well intended, will not serve this country well. We all shudder when a violent offender is incarcerated for an insufficient length of time only to be released and claim another victim. Let us be clear: everyone agrees that serious violent offenders should serve appropriate and sufficient incarceration. Yet, Aimee's law is not the way to pursue this goal. Neither Aimee's law or Congress can accurately assess with one hundred percent accuracy which offender will be a recidivist and which offender will not. This proposal has myriad practical implementation problems that will make this law a headache to administer for the States and the Department of Justice, without living up to its promise of stopping future tragedies.

Ironically, Aimee's law will adversely affect the States' ability to fight crime. By taking law enforcement funds away from the states, the legislation will in effect reduce the states' capacity to fight crime. The Pennsylvania Secretary of Corrections has advised that ''Pennsylvania, along with many other states, plans for the use of federal law enforcement money years in advance. Excessive penalties have a high potential to interfere with states' abilities to keep violent offenders—including those who have committed Aimee's law crimes—incarcerated for longer periods of time.''

Specifically, this proposal would allow a state to apply to the Attorney General for reimbursement of the costs for investigation, prosecution and incarceration of prisoners who were previously convicted in another state for murder, rape or a dangerous sexual offense. The source of the reimbursement funds will be from Federal law enforcement assistance funds that would otherwise be paid out to the state that convicted the individual of the prior offense and released that offender.

Last year, this proposal was adopted as an amendment to S. 254, the Juvenile Justice bill. Even then I expressed grave reservations with the language and complications contained in the legislation. Specifically, I noted that the proposal was ''extremely complicated and can create a great deal of problems with some States'' and offered ''to work more on the language to see if there are areas of unnecessary complication that could be removed.'' (RECORD, May 19, 2000, p. S5526). Unfortunately, the juvenile justice conference, in which the language of this proposal could have been refined, has failed to meet for over a year. Apparently, the Republican leadership intends to end the Congress without ever completing work on the juvenile crime bill.

By any stretch of the imagination, the costs of Aimee's law outweigh its promised benefits:

First, Aimee's law penalizes states' law enforcement not for their own actions, but for the actions taken by judicial and corrections officers resulting in the release of a defendant who has not served the incarceration period required under Aimee's law. Indeed, defendants who escape from jail without serving their full term and commit subsequent crimes could subject the state in which they committed their initial crimes to decreased federal funds otherwise used to help law enforcement.

Second, Aimee's law requires the annual collection, maintenance and reporting of criminal history for violent offenders and covers not just those offenders currently in the system but any such offender no matter how long ago that offender was convicted, served time and was released. This provision alone demands an enormous investment of time and money, neither of which the legislation provides, to build the criminal history database necessary to implement the new law. As the Department of Justice has pointed out, ''[s]ince no time limit is imposed between the prior and subsequent convictions, the system would require electronic criminal records that do not now exist and would be very expensive to accumulate.'' This ''would require the establishment of a major national data center to collect and match state records'' and constitutes an ''unfunded mandate.''

During a colloquy in the House on October 6th, Congressman CONYERS

asked a House sponsor of Aimee's law whether it was the drafters' intent that Aimee's law shall apply prospectively, that is only to offenders whose first sentence for a covered offense occurs on or after the effective date of this law, January 1, 2002, and the sponsor responded affirmatively. Yet, the law remains murky on this point since the effective date may be construed to apply only to the time when states may make applications for reimbursement, not to when the offenses occurred. We have two years before the effective date to clarify this point, and others, in this problematic law.

Third, while Aimee's law would exempt certain States from application of the law, those exemptions are predicated, in part, upon ''the average term of imprisonment imposed for that offense in all States.'' The Pennsylvania Director of Corrections has pointed out that ''[t]here is no record of what the national 'average. . .' is for crimes covered in this language. Further, if such an average existed, it would continually fluctuate, guaranteeing that there would always be some states out of compliance.''

Fourth, Aimee's law adopts offense definitions that are unclear and fail to conform to the offense definitions found in the federal criminal code or to the standard legal terms used in state codes making it difficult to enforce Aimee's law across state lines.

The National Governors' Association has repeatedly registered its disapproval of Aimee's law as ''onerous, impractical and unworkable.'' Consequently, States may simply agree among themselves not to file the applications with the Attorney General required to obtain reimbursement. Indeed, such an application might trigger a retaliatory review of the applicant's own record of released defendants and result in reduction of important federal funds. As a consequence, states may view invocation of Aimee's law reimbursement provisions as a risky proposition.

In short, Aimee's law is an empty promise that may make good fodder for 60-second campaign spots but will do nothing to continue the progress we have made over the last eight years to reduce the violent crime rate or to truly help crime victims.

Senator HATCH has insisted that the ''Twenty-First Amendment Enforcement Act'' be included in the conference report, despite the fact that the conference met September 28th, and expressly rejected inclusion of this proposal in the conference report. It was rejected by the Senate conferees and the House conferees went so far as to adopt the position that no extraneous legislation would be added to the sex trafficking provisions. Nevertheless, the conference report contains Senator HATCH's bill, which amounts to a double whammy—it is unnecessary and dangerous to e-commerce. The purported goal of this legislation is to enforce state liquor laws. The approach of this legislation sets a dangerous precedent by erecting barriers to interstate and electronic commerce.

Specifically, the bill would permit the enforcement of state liquor laws in Federal court. This expansion of the jurisdiction of the Federal courts is not warranted. State attorneys general are already enforcing their state liquor laws in state courts—whether the alcohol was brought over the Internet or over the counter at the corner store. The Internet has not changed the enforcement of state liquor laws.

This year, for instance, the Utah Attorney General successfully enforced that state's liquor laws against an out-of-state direct sales shipper of alcoholic beverages. That case resulted in fines of more than $25,000 and guilty pleads by an out-of-state direct shipper to state law counts of unlawfully importing alcohol and selling it to a minor.

Indeed, the Utah Attorney General, Jan Graham, declared: ''This case represents a significant win for Utah. No longer can retailers claim that we have no authority over illegal transactions that occur outside of the state. If you're shipping to a Utah resident, we can and will prosecute you.''

This legislation is using the Internet as an excuse to impose a Federal fix for a problem that is already being solved at the state level. Whatever happened to Federalism? In fact, the National Conference of State Legislatures opposes this legislation, calling the bill ''an overreaction to a situation which can be reconciled among the states and not in a federal court.''

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

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

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

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

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

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

In closing, I wish to thank the conferees and their staffs who showed courtesy to me and mine. In particular, I thank Karen Knutsen of Senator BROWNBACK's staff and Mark Lagon and Brian McKee of the staff of the Foreign Relations Committee. I thank Nancy Zirkin of the American Association of University Women and Pat Reuss of the NOW Legal Defense and Education Fund for their efforts on behalf of VAWA II. This has been a difficult matter at a difficult time that is being concluded as best we can under these circumstances in order to enact the sex trafficking legislation, VAWA II and the victims bill for all the good they can mean.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

RECESS

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

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

The PRESIDING OFFICER. The Senator from Utah is recognized.

ORDER OF PROCEDURE

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

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

The Senator from Vermont is recognized.

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

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

TRAFFICKING VICTIMS PROTECTION ACT OF 2000—CONFERENCE REPORT—Continued

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

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

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

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

The Violence Against Women Act took giant strides to take this terrible, dirty secret, bring it above ground, and begin really to cleanse it. The new law acknowledged that the ancient bias showed itself not just in the virulence of the perpetrators of violence but in the failure of the system and the community to respond with sufficient care and understanding. Shelters grew, police departments were educated, the VAWA hotline—which we added to the law as an afterthought, I remember, in the conference—got huge numbers of calls every week, far more than anybody ever expected. The increased penalties for repeat sex offenders did a great deal of good.

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

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

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

I yield my time and thank my colleagues.

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

The PRESIDING OFFICER. The Senator from Iowa.

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

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

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

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

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

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

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

Senator SESSIONS said Bonnie Campbell has no courtroom experience. The truth: Bonnie Campbell's qualifications are exemplary. The American Bar Association has given her their stamp of approval. She has had a long history in law starting in 1984 with her private practice in Des Moines where she

worked on cases involving medical malpractice, employment discrimination, personal injury, real estate, and family law.

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

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

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

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

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

Mr. HATCH. Will the Senator yield?

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

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

Mr. HARKIN. Yes.

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

Mr. HARKIN. I appreciate that.

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

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

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

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

Mr. HATCH. I agree with the Senator.

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

Mr. HARKIN. I agree with that.

Mr. HATCH. That isn't the situation.

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

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

Mr. LEAHY. If the Senator would yield?

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

Mr. HATCH. I understand.

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

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

Mr. HARKIN. I agree.

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

I thank my colleague for yielding.

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

Mr. HARKIN. Yes.

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

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

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

Mr. HARKIN. I yielded to him.

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

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

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

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

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

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

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

So who is playing politics around this place?

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

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

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

But Bonnie Campbell has bipartisan support. Senator GRASSLEY, law enforcement people, and victims services

groups also all support her. Is that the test?

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

Mr. HARKIN. May I have 2 more minutes?

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

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

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

Mr. HARKIN. Thirty seconds.

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

UNANIMOUS CONSENT REQUEST—NOMINATION OF BONNIE J. CAMPBELL

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

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

Mr. HATCH. I object.

The PRESIDING OFFICER. Objection is heard.

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

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

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

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

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

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

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

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

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

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

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

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

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

I know that it is small comfort to the individuals whose nominations are pending, but the fact of the matter is that inevitably some nominations will expire when the Congress adjourns. I happens every two years. I personally believe that Senate Republicans should get some credit for keeping the number of vacancies that will die at the end of this Congress relatively low. As things now stand, 13 fewer nominations will expire at the end this year than expired at the end of the Bush Presidency.

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

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

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

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

The Pro-Arrest grants have helped to develop and strengthen programs and policies that mandate and encourage police officers to arrest abusers who commit acts of violence or violate protection orders. These grants have been expanded to include expressly the enforcement of protection orders as a focus for the grant program funds. The

changes also make the development and enhancement of data collection and sharing systems to promote enforcement of protection orders a funding priority. Another improvement requires recipients of STOP and Pro-Arrest grant funds, as a condition of funding, to facilitate the filing and service of protection orders without cost to the victim in both civil and criminal cases.

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

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

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

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

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

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

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

How much time do I have remaining?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Providing funding for transitional housing assistance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Despite the need to direct federal funds toward the most pressing problem, it was not, and is not, the intent of Congress categorically to exclude men who have suffered domestic abuse or sexual assaults from receiving benefits and services under the Violence Against Women Act. The Act defines such key terms as ''domestic violence'' and ''sexual assault,'' which are used to determine eligibility under several of the grant programs, including the largest, the STOP grant program, in gender-neutral language. Men who have suffered these types of violent attacks are eligible under current law to apply for services and benefits that are funded under the original Act—and they will remain eligible under the Violence Against Women Act of 2000—whether it be for shelter space under the Family Violence Protection and Services Act, or counseling by the National Domestic Violence Hotline, or legal assistance in obtaining a protection order under the Legal Assistance for Victims program.

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

We append to this joint statement a section by section analysis of the bill and a more detailed section by section analysis of the provisions contained in Title V.

Thank you.

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

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

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

Sec. 1001. Short Title

Names this division the Violence Against Women Act of 2000.

Sec. 1002. Definitions

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

Sec. 1003. Accountability and Oversight

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

TITLE I—STRENGTHENING LAW ENFORCEMENT TO REDUCE VIOLENCE AGAINST WOMEN

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

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

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

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

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

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

Sec. 1103. STOP Grants Reauthorization

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

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

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

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

Sec. 1104. Pro-Arrest Grants Reauthorization

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 1108. School and Campus Security

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

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

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

Authorization level is $30 million/year.

Sec. 1109. Dating Violence

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

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

TITLE II—STRENGTHENING SERVICES TO VICTIMS OF VIOLENCE

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

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

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

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

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

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

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

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

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

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

Authorization level is $25 million for FY 2001.

Sec. 1204. National Domestic Violence Hotline

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

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

Sec. 1205. Federal Victims Counselors Grants Reauthorization

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

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

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

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

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

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

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

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

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

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

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

Authorization is $5 million/year.

TITLE III—LIMITING THE EFFECTS OF VIOLENCE ON CHILDREN

Sec. 1301. Safe Havens for Children Pilot Program

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

Authorization level is $15 million for each year.

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

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

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

Sec. 1303. Report on Parental Kidnapping Laws

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

Authorization level is $200,000.

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

Sec. 1401. Rape Prevention and Education Program Reauthorization

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

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

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

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

Authorization level is $7.5 million/year.

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

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

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

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

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

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

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

Authorization level is $200,000 for FY 2001.

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

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

Sec. 1407. Domestic Violence Task Force

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

Authorization level is $500,000.

TITLE V—BATTERED IMMIGRANT WOMEN

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

TITLE VI—MISCELLANEOUS

Sec. 1601. Notice Requirements for Sexually Violent Offenders

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

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

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

Sec. 1602. Teen Suicide Prevention Study

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

Authorization is for such sums as may be necessary.

Sec. 1603. Decade of Pain Control and Research

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

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

Title V is designed to improve on efforts made in VAWA 1994 to prevent immigration law from being used by an abusive citizen or lawful permanent resident spouse as a tool to prevent an abused immigrant spouse form reporting abuse or living the abusive relationship. This could happen because generally speaking, U.S. immigration law gives citizens and lawful permanent residents the right to petition for their spouses to be granted a permanent resident visa, which is the necessary prerequisite for immigrating to the United States. In the vast majority of cases, granting the right to seek the visa to the citizen or lawful permanent resident spouse makes sense, since the purpose of family immigration visas is to allow U.S. citizens or lawful permanent residents to live here with their spouses and children. But in the unusual case of the abusive relationship, an abusive citizen or lawful permanent resident can use control over his or her spouse's visa as a means to blackmail and control the spouse. The abusive spouse would do this by withholding a promised visa petition and then threatening to turn the abused spouse in to the immigration authorities if the abused spouse sought to leave the abuser or report the abuse.

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

Sec. 1501. Short Title.

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

Sec. 1502. Findings and Purposes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Just so the record is clear, there has been—and continues to be—an effort on the part of the minority to tie the Senate up in procedural knots and then accuse the majority of being unable to govern. That is their right under the rules. I do not recall engaging in similar tactics when Republicans were in the minority but I am confident there are instances where one could accuse of having engaged in similar dilatory tactics. But, I believe we eventually reached the point where our fidelity to the institution and our oaths of office transcended the short-term interests of ballot box legislating.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COLLOQUY ON 21ST AMENDMENT ENFORCEMENT ACT

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

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

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

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

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

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

must reemphasize, however, that this legislation does nothing to hurt the so-called small wineries in competing or marketing their products in the wine business. I worked hard for over a year with the wine industry to ensure that the legislation does not have any unintended consequences, and want to reassure my colleague from California that the version of the legislation that is included in the conference report incorporates revisions made in the committee to address both the Wine Institute's and the American Vintners Association's concerns. We also included language to further clarify that this bill does not, even unintentionally, somehow change the balancing test employed by the courts in reviewing state liquor laws. I should also not that the Wine Institute and the Vintners Association, as well as numerous Internet commerce companies, have written us that they no longer oppose the legislation.

The simple purpose of this bill is to provide a mechanism to enable States to effectively enforce their laws against the illegal interstate shipment of alcoholic beverages. I hope the distinguished Senator from California knows that while I certainly believe that interstate commerce should be encouraged, and while I do not want small businesses stifled by unnecessary or overly burdensome and complex regulations, I do not subscribe to the notion that purveyors of alcohol are free to avoid State laws which are consistent with the power bestowed upon them by the Constitution—and I should add that I don't think that Senator BOXER subscribes to that notion either.

Let me emphasize that there are many companies engaged in the direct interstate shipment of alcohol who do not violate State laws. In fact, many of these concerns look beyond their own interests and make diligent efforts to disseminate information to others to ensure that State laws are understood and complied with by all within the interstate industry. This legislation only reaches those that violate the law, and only allows the attorney general of a state to go to Federal court to enforce its laws. It is just a jurisdictional legislation and does not allow or prohibit any sales or marketing by any winery, large or small.

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

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

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

AIMEE'S LAW

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TESTIMONY OF GAIL WILLARD BEFORE THE CRIME SUBCOMMITTEE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you.

AIMEE'S LAW

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

PARTIAL LIST OF ENDORSEMENTS

The National Fraternal Order of Police, Washington, DC.

Law Enforcement Alliance of America, Falls Church, Virginia.

KlaasKids Foundation, Sausalito, California.

Childhelp USA, Scottsdale, Arizona.

Kids Safe, Granada Hills, California.

Concerned Women for America, Washington, PC.

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

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

Doris Tate Crime Victims Bureau, Sacramento, California.

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

Southern States Police Benevolent Association, Virginia.

Garland, Texas Police Department, Garland, Texas.

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

Arizona Professional Police Officers, Association, Phoenix, Arizona.

Arizona Voice for Crime Victims, Phoenix, Arizona.

Association of Highway Patrolmen of Arizona, Tucson, Arizona.

California Protective Parents Association, Sacramento, California.

Christy Ann Fornoff Foundation, Mesa, Arizona.

Citizens and Victims for Justice Reform, Louisville, Kentucky.

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

International Children's Rights Resource Center, Washington.

Justice for All, New York, New York.

Justice for Murder Victims, San Francisco, California.

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

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

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

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

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

Parents Legal Exchange Alliance, San Francisco, California.

Parents of Murdered Children, Cincinnati, Ohio.

Parole Watch, New York, New York.

Phoenix Law Enforcement Association, Phoenix, Arizona.

Protect Our Children, Cocoa, Florida.

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

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

Survivor Connections, Inc., Cranston, Rhode Island.

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

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

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

The Women's Coalition, Pasadena, California.

ENDORSEMENTS FROM INDIVIDUALS:
(*INTERSTATE CASES)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Kansas is recognized.

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

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

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

Mr. BROWNBACK. Thank you, Madam President.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Seven minutes 48 seconds.

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

Mr. LEAHY. How much time do I have?

The PRESIDING OFFICER. The Senator has 6 minutes.

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

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

the help and support of a number of folks in and out of this Senate—from attorneys general in the various States, to police, to victims advocates, doctors, nurses, Governors, women's groups—I am proud to say we finally arrived at a point where the Violence Against Women Act 2000 is on the verge of passing the Senate as part of the sex trafficking conference report.

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

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

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

It is the first time in the 28 years I have been in the Senate that I have gone to a conference and added a major piece of legislation in that conference, knowing that it might very well jeopardize the passage of the legislation we were discussing. And it is worthy legislation. I am a cosponsor. I can think of nothing—obviously, you would expect me to say that, being the author of this legislation—I can think of nothing of more consequence to the women of America and the children of America than our continuing the fight—and I am sure my friend from Minnesota agrees with me—regarding violence against women.

I thank Senator HATCH for working so hard with me to pass this legislation. This legislation was not a very popular idea on the other side of the aisle 8 years ago when we wrote this, and 6 years ago when we got close to passing it, and 5 years ago when we passed it. Senator HATCH stood up and led the way on the Republican side. And I thank my Republican colleagues, about 25 of whom—maybe more now—cosponsored it. I attribute that to Senator HATCH's leadership, and I thank him for that.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There is much more to say.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Why?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This past May, the shooting of Barry Grunnow, an English teacher in Lake Worth, Florida—by a seventh grade honor roll student named Nathaniel Brazil—shocked the nation.

Recently, Lake Worth police released reports showing a history of domestic violence in the Brazil home.

As the Palm Beach Post wrote recently in an editorial—

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

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

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

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

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

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

Now, where did he learn that?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. BIDEN. Yes.

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

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

The PRESIDING OFFICER. The Senator from Minnesota.

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

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

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

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

The PRESIDING OFFICER. The Senator from Kansas.

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

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

I yield the floor and thank my colleague from Tennessee.

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

Mr. THOMPSON. I thank the Chair.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I submit that under the present case, Aimee's law, the States could not tell what they have to do in order to get this money because they are always dealing with a moving target. If you remember what I said a while ago, the name of the game is for the States to keep ratcheting up their incarceration time so they are within the national average. If they fall below that for their own good purposes, whatever the reasons and circumstances—they want to devote more money to prevention, or they want to devote more to rehabilitation instead of prisons, whatever their decisions might be—if they fall a little below, they are going to lose their money. If they want to keep their money, how high are they supposed to raise their incarceration rates? Because by the time they change their law and raise their incarceration rates for these various offenses, other States, presumably, could be doing the same thing. You are always going toward a moving target. Each State is trying to outstrip each other, and each State, if it wants to keep its money and not have to pay for 40 or 50 years for somebody in another State—their incarceration expense—the safe thing for it to do is ratchet up the time. The safest thing for it to do would be to give life sentences without parole.

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

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

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

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

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

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

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

This has not been thought through.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the remainder of my time.

The PRESIDING OFFICER. The majority leader.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 4635

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

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

Fifteen minutes under the control of Senator MCCAIN;

Five minutes under the control of Senator KYL;

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 4516

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 4733 VETO MESSAGE

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Specifically, the Leahy-Feinstein amendment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In Michigan, for example, despite our much heightened awareness of the devastating impact of sexual abuse, in many communities VAWA grants are the only source of funding for services for rape victims. I am told that this is true nationally as well. Forty-five shelters serving 83 counties receive funding from VAWA grants. Reauthorizing VAWA is critical so as to provide the assurance of continued congressional commitment needed to ensure that these services do not dry up.

That is why I am so delighted that this conference report is about to be enacted into law. I would especially like to note how pleased I am with the results the conference reached on a couple of particular provisions.

First, I would like to discuss the funding the bill provides for rape education, services to victims, and prevention. This critical funding is used for, among other things, helping survivors of rape and sexual assault come to terms with what has happened to them so that they are able to get on with their lives and also assist in the prosecution of the perpetrators of these crimes. It is also used to educate investigators and medical personnel on the best protocols to use to collect evidence in these cases.

I would like to give a few examples of instances of how this is working in Michigan. A 21-year-old single woman was raped. She became pregnant as a result of the rape. She decided that she wanted to carry the baby to term. She had to deal with her own very complex emotions about her pregnancy, her changed relationship with her boyfriend, and the enormous difficulties of raising a child as a single parent. The VAWA money for rape services funded the counseling to help her with this overwhelmingly difficult set of decisions and circumstances.

VAWA rape money also funded services for a 63-year-old woman who was sexually assaulted. With that help, she was able to come to terms with what had happened, and testify against the rapist.

To give just one more example: VAWA rape money is being used right

now to fund a new sexual assault nurse examining program. This program provides a sympathetic and expert place for survivors to go after they have been assaulted where they will be treated with respect and understanding and where the evidence will be collected correctly.

The reason I have come to know so much about this particular aspect of VAWA is that when my wife Jane met with the Michigan Coalition Against Domestic and Sexual Violence in Oakland County on June 30 of this year, its director, Mary Keefe, indicated to her that while she was generally very pleased with the reauthorization legislation we were working on here in the Senate, the $50 million we were proposing for this particular aspect of VAWA, the rape education and prevention component, just wasn't enough. She indicated her hope that we would be able to raise that to the $80 million figure in the House bill. Jane passed that along to me, and once I understood how this money was used and was able to explain how important it was, with Senator HATCH's and Senator BIDEN's assistance, the Senate proposal was increased to $60 million.

I continued to follow this matter as the bill was progressing through conference. Yesterday I was delighted to be able to tell my staff to let Ms. Keefe know that the conference bill accommodates her request fully, and authorizes $80 million in funding for these grants for the next 5 years. One important purpose for which I am sure some of these funds will be used is educating our kids about relatively less well known drugs like GHB, the date rape drug that claimed the life of one of my constituents and was the subject of legislation I worked on earlier this Congress.

Second, I am pleased that the conference report contains the new Federal law against cyberstalking that I introduced a few months ago. As the Internet, with all its positives, has fast become an integral part of our personal and professional lives, it is regrettable but unsurprising that criminals are becoming adept at using the Internet as well.

Hence the relatively new crime of ''cyberstalking,'' in which a person uses the Internet to engage in a course of conduct designed to terrorize another. Stalking someone in this way can be more attractive to the perpetrator than doing it in person, since cyberstalkers can take advantage of the ease of the Internet and their relative anonymity online to be even more brazen in their threatening behavior than they might be in person.

Some jurisdictions are doing an outstanding job in cracking down on this kind of conduct. For example, in my own State, Oakland County Sheriff Michael J. Bouchard and Oakland County Prosecutor Dave Gorcyca have developed very impressive knowledge and expertise about how to pursue cyberstalkers.

This legislation will not supplant their efforts. It will, however, address cases that it is difficult for a single State to pursue on its own, those where the criminal is stalking a victim in another State. In such cases, where the criminal is deliberately using the means of interstate commerce to place his or her victim in reasonable fear of serious bodily injury, my bill will allow the Federal Government to prosecute that person.

The existence of a Federal law in this area should also help encourage local authorities who do not know where to start when confronted with a cyberstalking allegation to turn to Federal authorities for advice and assistance. There is little worse than the feeling of helplessness a person can get if he or she is being terrorized and just cannot get help from the police. Much of VAWA 2000 is aimed at helping the authorities that person turns to respond more effectively. That is a central function of the cyberstalking provisions as well.

Finally, I am very pleased that the conference report includes the core provisions from the Senate bill that I developed along with Senator KENNEDY, Senator HATCH, and Senator BIDEN to address ways in which our immigration laws remain susceptible of misuse by abusive spouses as a tool to blackmail and control the abuse victim.

This potential arises out of the derivative nature of the immigration status of a noncitizen or lawful permanent resident spouse's immigration status. Generally speaking, that spouse's right to be in the U.S. derives from the citizen or lawful permanent resident spouse's right to file immigration papers seeking to have the immigration member of the couple be granted lawful permanent residency.

In the vast majority of cases, granting that right to the citizen or lawful permanent resident spouse makes sense. After all, the purpose of family immigration is to allow U.S. citizens or lawful permanent residents to live here with their spouses and children. But in the unusual case of the abusive relationship, an abusive citizen or lawful permanent resident can use control over his or her spouse's visa as a means to blackmail and control the spouse. The abusive spouse can do this by withholding a promised visa petition and then threatening to turn the abused spouse in to the immigration authorities if the abused spouse sought to leave the abuser or report the abuse.

VAWA 1994 changed this by allowing immigrants who demonstrate that they have been battered or subject to extreme cruelty by their U.S. citizen or lawful permanent resident spouses to file their own petitions for visas without the cooperation of their abusive spouse.

VAWA 1994 also allowed abused spouses placed in removal proceedings to seek ''cancellation of removal,'' a form of discretionary relief from removal available to individuals in unlawful immigration status with strong equities, after three years rather than the seven ordinarily required. Finally, VAWA 1994 granted similar rights to minor children abused by their citizen or lawful permanent resident parent, whose immigration status, like that of the abused spouse, would otherwise be dependent on the abusive parent.

The conference report follows the Senate VAWA reauthorization bill in building on the important work of VAWA 1994 in these areas. I will not describe all of the provisions of title V of division B of this bill, but I will discuss one of them, which I believe is the most important one.

In this bill, we establish procedures under which a battered immigrant can take all the steps he or she needs to take to become a lawful permanent resident without leaving this country. Right now, no such mechanism is available to a battered immigrant, who can begin the process here but must return to his or her home country to complete it.

VAWA 1994 created a mechanism for the immigrant to take the first step, the filing of an application to be classified as a battered immigrant spouse or child. But it did not create a mechanism for him or her to obtain the necessary papers to get lawful permanent residency while staying in the U.S. That is because at the time it was enacted, there was a general mechanism available to many to adjust here, which has since been eliminated. As a result, under current law, the battered immigrant has to go back to his or her home country, get a visa, and return here in order to adjust status.

That is not true of spouses whose citizens or lawful permanent resident husband or wife is filing immigration papers for them. They do have a mechanism for completing the whole process here. Section 1503 of this bill gives the abused spouse that same right.

The importance of such a provision is demonstrated, for example, by the case of a battered immigrant whose real name I will not use, but whom I will instead call Yaa. I use her as an example because her case arose in my own State of Michigan.

Yaa is a 38-year-old mother of two from Nigeria. She met her husband, whom I will call Martin, while he was visiting family members in Nigeria. After a long courtship, Martin persuaded Yaa to marry him and join him in the United States. He told her he would help her further her education and file the necessary papers to enable her to become a lawful permanent resident.

Following their marriage, Martin assisted Yaa in obtaining a visitor's visa. When she arrived in the United States, however, he did not follow through on any of his promises. He refused to support her going to school, and indeed would not let her leave the house for fear that other men might find her attractive and steal her away. He also refused to file immigration papers for her

and threatened her with deportation if she ever disobeyed his orders.

After the birth of their first child, Martin began physically abusing Yaa. He slapped her if she questioned his authority or asked about her immigration status. He spat on her if she refused to have sex with him. He used a hidden recording device to tape all of her phone conversations. As a result, she came to feel that she was a prisoner in her own home.

On one occasion, Martin beat Yaa with his fists and a bottle of alcohol. Yaa suffered severe facial injuries and had to be rushed to a hospital by ambulance for treatment. This incident resulted in Martin's arrest and prosecution for domestic violence. Martin retaliated by refusing to pay the mortgage, buy food, or other necessities. At that point, with the help of her best friend, Yaa moved out, found a job, and filed a self-petition under VAWA. INS approved her self-petition, and Yaa has obtained a restraining order against Martin.

Unfortunately, she still has to go to Nigeria to obtain a visa in order to complete the process of becoming a lawful permanent resident. And this is a major problem. Martin's family in Nigeria blames her for Martin's conviction. They have called her from there and threatened to have her deported because she ''brought shame'' to the family. They also know where she lives in Nigeria and they have threatened to hurt her and kidnap the children if she comes back. She has no one in the U.S. to leave the children with if she were to return alone. She is also frightened of what Martin's family will do to her if she sets foot in Nigeria.

Yaa should be allowed to complete the process of becoming a lawful permanent resident here in the United States, without facing these risks. Our legislation will give her the means to do so.

Of all the victims of domestic abuse, the immigrant dependent on an abusive spouse for her right to be in this country faces some of the most severe problems. In addition to the ordinary difficulties that confront anyone trying to deal with an abusive relationship, the battered immigrant also is afraid that if she goes to the authorities, she risks deportation at the instance of her abusive spouse, and either having her children deported too or being separated from them and unable to protect them.

We in Congress who write the immigration laws have a responsibility to do what we can to make sure they are not misused in this fashion. That is why I am so pleased that the final version of this legislation includes this and other important provisions.

I would like to extend special thanks to Senator KENNEDY and his staff, especially Esther Olavarria, who has worked tirelessly on this portion of the bill; to Senator HATCH and his staff, especially Sharon Prost, whose assistance in crafting these provisions and willingness to invest time, effort and capital in making the case for them has been indispensable; to Senator BIDEN and his staff, especially Bonnie Robin-Vergeer, whose commitment to these provisions has likewise been vital; to House Judiciary Committee Chairman HYDE and House Crime Subcommittee Chairman BILL MCCOLLUM, for their support at key moments; to the indefatigable Leslye Orloff of the NOW Legal Defense Fund, whose ability to come up with the ''one more thing'' desperately needed by battered immigrants is matched only by her good humor and professionalism in recognizing that the time for compromise has come; and to the sponsors of H.R. 3244 and S. 2449, for allowing their bill to become the vehicle for this important legislation.

I would also like to thank all of the organizations in Michigan that have been working so hard to help in the fight against domestic and sexual violence. I would like to extend particular thanks to a couple of the people there who have been particularly helpful to me, to my wife Jane, and to members of my office as we have been learning about these issues: to Mary Keefe of the Michigan Coalition Against Domestic and Sexual Violence, whom I mentioned earlier; to Hedy Nuriel and Deborah Danton of Haven; to Shirley Pascale of the Council Against Domestic Assault; to Deborah Patterson of Turning Point, and to Valerie Hoffman of the Underground Railroad.

I yield the floor.

Mr. DURBIN. Mr. President, with the passage of the Violence Against Women Act in 1994, the Federal Government for the first time adopted a comprehensive approach to combating violence against women. This bill included tough new criminal penalties and also created new grant programs to help both women and children who are victims of family violence.

Since that time, violence against women has significantly decreased. But in spite of these improvements, far more needs to be done.

Every 20 seconds a woman is raped and/or physically assaulted by an intimate partner and nearly one-third of women murdered each year are killed by a husband or boyfriend.

Domestic violence still remains the leading cause of injury to women ages 15 to 44 and sadly, there are children under the age of twelve in approximately four out of ten houses that experience domestic violence.

Many victims of domestic violence are not recognized and therefore do not get the help that they need.

I am happy to report that the conference report includes several provisions that I authored with Senator COLLINS to assist both older and disabled women who are the victims of domestic violence. Those provisions were part of S. 1987, the Older and Disabled Women's Protection from Violence Act.

Unfortunately for some, domestic violence is a life long experience. Those who perpetrate violence against their family members do not stop because the family member grows older. Neither do they stop because the family member is disabled. To the contrary, several studies show that the disabled suffer prolonged abuse compared to non-disabled domestic violence victims. Violence is too often perpetrated on those who are most vulnerable.

In some cases, the abuse may become severe as the victim ages or as disability increases and the victim becomes more isolated from the community with their removal from the workforce. Other age-related factors such as increased frailty may increase a victim's vulnerability.

It also is true that older and disabled victims' ability to report abuse is frequently confounded by their reliance on their abuser for care or housing.

Every 7 minutes in Illinois, there is an incidence of elder abuse.

Several research studies have shown that elder abuse is the most under reported familial crime. It is even more under reported than child abuse with only between one in eight and one in fourteen incidents estimated to be reported.

National and State specific statistics are not available for domestic abuse against disabled individuals. However, several studies of specific areas indicate that abuse is of longer duration for women with disabilities compared to women without a disability. Canadian studies over the last decade indicate that the incidence in that country at least of battery for women with disabilities was 1.5 times higher than for women without a disability. 3 other independent studies indicated that ''Regardless of age, race, ethnicity, sexual orientation or class, women with disabilities are assaulted, raped and abused at a rate of more than two times greater than non-disabled women'' Sobsey 1994, Cusitar 1994, Dis-Abled Women's Network 1988.

Older and disabled individuals who experience abuse worry they will be banished to a nursing home or institutions if they report abuse.

Many older women were raised to believe that family business is a private matter. Problems within families were not to be discussed with anyone, especially strangers or counselors.

They also must struggle with the ethical dilemma of reporting abuse by their children to the authorities and thus increasing their child's likelihood of going to jail. Shame and fear gag them so that they remain ''silent victims.''

Disabled women also wrestle with the fear that they may lose their children in a custody case if they report abuse.

This bill includes modifications of the STOP law enforcement state grants program and the ProArrest grants program to increase their sensitivity to the needs of older and disabled women. These programs provide funding for services and training for officers and prosecutors for dealing with domestic

violence. This training needs to be sensitive to the needs of all victims, young and old, disabled and non-disabled. The images portrayed in the media of the victims of domestic violence generally depict a young woman, with small children. Consequently, many people including law enforcement officers may not readily identify older or disabled victims as suffering domestic abuse.

Only a handful of domestic abuse programs throughout the country are reaching out to older and disabled women and law enforcement rarely receive training in identifying victims who are either older or disabled.

The bill also sets up a new training program for law enforcement, prosecutors and others to appropriately identify, screen and refer older and disabled women who are the victims of domestic violence.

Improvement in this program can be made with respect to identifying abuse among all age groups especially seniors who are often overlooked. When the abuser is old, there may be a reticence on the part of law enforcement to deal with this person in the same way that they might deal with a younger person. Who wants to send an ''old guy'' to jail? However, lack of action jeopardizes the victim further because then the abuser has every reason to believe that there are no consequences for their actions. Another common problem is differentiating between injuries related to abuse and injuries arising from aging, frailty or illness. Too many older or disabled women's broken bones have been attributed to disorientation, osteoporosis, or other age-related vulnerabilities without any questions being asked to make sure that they are not the result of abuse.

With the graying of America, the problems of elder domestic abuse in all its many ugly manifestations, is likely to grow. I believe that we need to take a comprehensive look at our existing family violence programs and ensure that these programs serve seniors and are sensitive and knowledgeable of elder domestic abuse.

In addition, the disabled's injuries may be falsely attributed to their disability and the bill authorizes a new program for education and training for the needs of disabled victims of domestic violence.

I thank Chairman HATCH and Senator BIDEN for working with me to include these provisions that should help to ensure that Federal Anti-Family Violence Programs are indeed available for all victims whether young or old, or whether able-bodied or a woman with a disability.

In just the past year, the Supreme Court offered an important ruling on the Violence Against Women Act. The decision was certainly not one that I would have hoped for.

In the case of U.S. v. Morrison, the Supreme Court struck down a provision of the Violence Against Women Act that gave victims of rape and domestic violence the right to sue their attackers in federal court. Congress passed this law to give women an additional means of pursuing justice when they are the victims of assault. We passed this law because the States themselves did not always adequately pursue rapists and assailants. And the States acknowledged this.

Thirty-six States had entered this suit on behalf of the woman who had been victimized. They wanted victims of violence against women to retain the right to bring their attackers to court. But the Supreme Court, in a narrow vote, decided otherwise. The vote: five to four.

This action by the Senate reauthorizing the Violence Against Women Act will overcome that court decision.

Mr. ASHCROFT. Mr. President, I would like to offer my strong support for the conference report on H.R. 3244, a bill that will strengthen our laws in order to protect women, children and all victims of domestic violence. The conference report that we will vote on today includes several sections, each of which provides additional protections for vulnerable members of society.

First, the bill contains the Trafficking Victims Protection Act, legislation that has been the passion of the Senator from Kansas, Mr. BROWNBACK, and the Senator from Minnesota, Mr. WELLSTONE. This legislation will combat sexual trafficking of women and children—the deepest violation of human dignity and an unspeakable tragedy. Second, the conference report contains a bill that we have heard a lot about in the last several weeks—the reauthorization of the Violence Against Women Act—to provide funding for programs to combat domestic violence and assist victims of domestic violence—both male and female. The original Violence Against Women Act authorization expired on October 1, 2000, and I am pleased to be a cosponsor of the reauthorization bill sponsored by Senators HATCH and BIDEN (S. 2787). The third main section of the bill contains anti-crime measures including provisions to encourage States to incarcerate, for long prison terms, individuals convicted of murder, rape, and dangerous sexual offenses. Together, these provisions form a comprehensive approach to fighting abuse against the most vulnerable members of society.

It is tragic that as we stand on the brink of the 21st Century the world is still haunted by the practice of international trafficking of women and children for sex, forced labor and for other purposes that violate basic human rights. The frequency of these practices is frightening. For example, an estimated 10,000 women from the former Soviet Union have been forced into prostitution in Israel; two million children are forced into prostitution every year, half of them in Asia; and more than 50,000 women are trafficked into the United States every year. Unfortunately, existing laws in the United States and other countries are inadequate to deter trafficking, primarily because they do not reflect the gravity of the offenses involved. Where countries do have laws against sexual trafficking, there is too often no enforcement. For example, in 1995, the Netherlands prosecuted 155 cases of forced prostitution, and only four resulted in the conviction of the traffickers. In some countries, enforcement against traffickers is hindered by indifference, corruption, and even official participation.

The conference report before us seeks to improve the lives of women and children around the world by providing severe punishment for persons convicted of operating trafficking enterprises within the United States and the possibility of severe economic penalties against traffickers located in other countries. In addition, it provides assistance and protection for victims, including authorization of grants to shelters and rehabilitation programs, and a limited provision for relief from deportation for victims who would face retribution or other hardships if deported. The bill also creates an Interagency Task Force to monitor and combat trafficking, in order to facilitate and evaluate progress in trafficking prevention, victim assistance, and the prosecution of traffickers. I would like to thank the Senator from Kansas for his tireless work on this issue, and am pleased to support this legislation.

The second main section of this conference report, the Violence Against Women Act (VAWA) of 2000, reauthorizes the Violence Against Women Act through Fiscal Year 2005. VAWA contains a number of grant programs, including the STOP grants, Pro-Arrest grants, Rural Domestic Violence and Child Abuse Enforcement grants, the National Domestic Violence Hotline, and three programs for victims of child abuse, including the court-appointed special advocate program (CASA). In addition, there are targeted improvements to the original language that have been made, such as providing funding for transitional housing assistance, expanding several of the key grant programs to cover violence that arises in dating relationships, and authorizing grants for legal assistance for victims of domestic violence, stalking, and sexual assault.

There is another issue that has been raised recently and that is the eligibility of men to receive benefits and services under the original Violence Against Women Act and under this bill. It was the original intent of this legislation to direct federal funds toward the most pressing problem—that of domestic violence against women, and violence against women in particular, since the statistics show that the majority of domestic violence is perpetrated against women. But although women are more often victims of such violence than men, it does not mean that men are never victims, or that the problems of domestic violence when men are victims should be ignored. It was not, and is not, the intent of Congress to exclude men who have suffered

domestic abuse or sexual assaults from receiving benefits and services under the Violence Against Women Act. Maybe the bill should be renamed the ''Stop Domestic Violence Act'' in order to more accurately reflect the purposes of this bill. The Act defines such key terms as ''domestic violence'' and ''sexual assault,'' which are used to determine eligibility under several of the grant programs, in gender-neutral language. Men who have suffered these types of violent attacks are eligible under current law to apply for services and benefits that are funded under the original Act—and they will remain eligible under the Violence Against Women Act of 2000—whether it be for shelter space under the Family Violence Protection and Services Act, or counseling by the National Domestic Violence Hotline, or legal assistance in obtaining a protection order under the Legal Assistance for Victims program. I am pleased that this clarification was added to this bill.

I am committed to confronting domestic violence because I believe that all forms of violence and crime destroy lives, hopes, and opportunities. All citizens should be safe from violence at home, in their neighborhoods and at schools. Protecting public safety is a fundamental duty of government, and we must make it clear to criminals that if they commit crime and violence, they will be punished swiftly and severely.

Domestic violence has been a problem in the State of Missouri. In 1999, according to data from the Highway Patrol Criminal Records Division, there were 754 incidents for every 100,000 Missourians. This number is too high, despite the fact that it has been falling from a high of 815/100,000 in 1997. The early nineties saw a disturbing rise in domestic violence reports, from 657 per 100,000 Missourians in 1993 to the high in 1997.

I have worked aggressively in the past, while in service to the state of Missouri, to confront domestic violence. As Governor, I established a special Task Force on Domestic Violence. This task force conducted a comprehensive review of domestic violence in Missouri and researched the efficiency of various programs and services for victims of abuse. Additionally, I supported the Adult Abuse Act of 1989, which provided new protection against domestic violence as well as new services for victims.

October is National Domestic Violence Awareness Month. I would like to enter into the RECORD an article by Doctor Hank Clever, a well-known pediatrician in St. Charles, Missouri. This article appeared in The St. Charles County Post, on October 2, 2000. Dr. Clever outlines the severity of the problem of domestic violence and provides a checklist of behaviors that may help one distinguish if you or someone you know is being abused.

The conference report we are voting on today provides real tools to combat violence against women and children, here in the United States and around the world, as well as new resources to curb domestic violence of all types. I support this conference report and thank Senator BROWNBACK for his leadership in the fight against sex-trafficking, Senators HATCH and BIDEN for their work in the reauthorization of the Violence Against Women Act, and the other members of the Conference Committee for their success in fashioning such strong legislation.

There being no objections, this article was ordered to be printed in the RECORD, as follows.

[From the St. Charles County (MO) Post, Oct. 2, 2000]

DOMESTIC VIOLENCE, IN ALL FORMS, IS THE LEADING CAUSE OF INJURY FOR WOMEN AGES 15–44

(By Dr. Hank Clever)

Hank Clever is a well-known pediatrician in St. Charles. Since retiring from private practice in 1998, Dr. Clever has continued to speak to community groups and organizations about a variety of health-related topics. The Doctor Is In column runs each Monday in the St. Charles County Post. Send questions for Dr. Clever to the Doctor Is In, c/o Public Relations Department, St. Joseph Health Center, 300 First Capitol Drive, St. Charles, Mo. 63301.

October is National Domestic Violence Awareness Month. Before you think, ''Oh, that doesn't affect me,'' think again. Domestic violence affects everyone in the community—abuser, victim, children, family, employers, co-workers and friends. The U.S. surgeon general says domestic violence is the leading cause of injury to women ages 15–44. Domestic violence is more common than rapes, muggings and auto accidents combined.

Domestic violence isn't limited by socioeconomic status, race, ethnicity, age, education, employment status, physical ability or marital status. And, although some men are abused by women, the majority of domestic violence victims are female, making domestic violence one of the most serious public health issues facing women today.

Cathy Blair is with the AWARE program. AWARE stands for Assisting Women with Advocacy, Resources and Education. She is working with the staff at SSM St. Joseph Health Center, SSM St. Joseph Hospital West and the Catholic Community Services of St. Charles County to present a program called ''Strengthening Our Response: The Role of Health Care Provider in Ending Domestic Violence'' on Thursday, Oct. 12, at St. Joseph Health Center.

''Health care providers are often on the front lines to recognize abuse. Their response to the victim and the abuser can be crucial to proper treatment not only of the immediate trauma, but also long-term problem of abuse,'' Blair told me.

When most people think of domestic violence, they think of battered women. However, domestic violence can take many forms, including psychological abuse, emotional abuse, economic abuse, sexual abuse and even legal abuse when a women tries to leave an unhealthy relationship.

''Recognizing what behaviors are part of domestic violence is not always easy, even for victims themselves,'' Blair said. ''This is in part because domestic violence is much more than physical abuse.''

Blair offers the following checklist of behaviors that may help you distinguish if you or someone you know is being abused:

Does your partner use emotional and psychological control—call you names, yell, put you down, constantly criticize or undermine you and your abilities, behave in an overprotective way, become extremely jealous, make it difficult for you to see family or friends, bad-mouth you to family and friends, prevent you from going where you want to, or humiliate and embarrass you in front of other people?

Does your partner use economic control—deny you access to family assets such as bank accounts, credit cards or car, control all the finances, make you account for what you spend, or take your money, prevent you from getting or keeping a job or from going to school, limit your access to health, prescription or dental insurance?

Does your partner make threats—make you afraid by using looks, actions or gestures, threaten to report you to the authorities for something you didn't do, threaten to harm or kidnap the children, display weapons as a way of making you afraid, use his anger as a threat to get what he wants?

Does your partner commit acts of physical violence—carry out threats to you, your children, pets, family members, friends, or himself, destroy personal property or throw things around, grab, push, hit, punch, slap, kick, choke, or bite you, force you to have sex when you don't want to, engage in sexual acts that you don't want to do, prevent you from taking medications or getting medical care, deny you access to foods, fluids or sleep?

If any of these things are happening in your relationship, Blair wants you to know that you are not alone and you have a right to be safe. ''Millions of women are abused by their partners every year,'' she said. ''For free, safe and confidential services, call AWARE at 314–362–9273.''

In addition to AWARE, many other domestic violence resources, including shelters, support services and legal services are available. The AWARE staff will be happy to give you that information.

Physicians, nurses, social workers, risk managers, students and Allied Health professionals who would like to learn more about domestic violence and the important role they can play in identifying and stopping it, should plan to attend the program. The conference is free and includes complimentary parking and lunch, but registration in required. Call 636–947–5621 for more information and to register.

Mr. BINGAMAN. Mr. President, today I rise to support the passage of H.R. 3244, a bill to reauthorize the Violence Against Women Act, VAWA. In 1994, when I voted in favor of the Violence Against Women Act I supported the purposes of the legislation and I believed the grants authorized in VAWA would provide the resources needed by New Mexico organizations, local governments and tribal governments to

tackle the growing problem of domestic violence. Now it is six years later and I am pleased to report that I have witnessed first-hand the many benefits of VAWA to New Mexico. I now realize how important VAWA was to New Mexico and I fully appreciate the strides New Mexico was able to make as a result of this legislation. Women and families in New Mexico have benefitted tremendously from VAWA and I rise today to lend my support to passage of VAWA II.

In New Mexico, we now have several organizations that are devoted to stopping violence against women. One example is the PeaceKeepers Domestic Violence Program based at San Juan Pueblo, New Mexico. PeaceKeepers is a domestic violence program that serves individuals that reside within the Eight Northern Pueblos which include the pueblos of Nambe, Picuris, Pojoaque, San Ildefonso, San Juan, Santa Clara, Tesuque and Taos. Peacekeepers is a consortium of individuals and is comprised of social workers, counselors, victims advocates, a civil attorney and a prosecutor. Because of VAWA grants, PeaceKeepers has been able to implement a comprehensive approach to address domestic violence in Indian Country.

The social workers and counselors provide counseling to victims, batterers and children of victims. Approximately twenty men have completed the 24 week batterers therapy program and are working to improve their lives and the lives of their families. The victims advocates provide support in court, assist with obtaining and enforcing protection orders and aid victims with legal matters and basic housing needs. The prosecutor on the Peacekeepers panel is made possible because of a VAWA Rural Victimization grant.

PeaceKeepers also provides training for tribal courts, law enforcement and tribal government personnel on domestic violence issues. The civil attorney also assists victims with legal assistance on matters such as child support, custody issues and protection orders. Safety for victims and accountability for offenders is the primary goal of PeaceKeepers. In the end, PeaceKeepers is about providing information, options and advocacy to victims of domestic violence.

When VAWA passed in 1994, the States and local organizations were finally provided with the resources they needed to implement programs to respond to the problem of violence against women. I am told repeatedly by sheriffs in counties throughout New Mexico that their urgent calls are usually the result of a domestic violence situation occurring. While VAWA has not stopped domestic violence from occuring, it has provided law enforcement agencies and courts with the training and resources they need to respond to domestic violence cases. Most importantly, VAWA has provided States and local organizations with the resources to begin tackling the underlying problems of domestic violence and given them resources to develop innovative methods to start breaking the cycle of violence in our communities.

Another organization in New Mexico that I am proud to support is the Esperanza Domestic Violence Shelter in northern New Mexico. I became acquainted with Esperanza a few years ago when they approached me because they were having trouble meeting the needs of their community. Esperanza operates in four counties and in 1998, Esperanza helped more than 2,000 people, including 1,100 victims of domestic violence, 510 children and teens and 424 abusers. As the name indicates, Esperanza offers women and families hope. Hope that they can live in a safe home, hope that they can survive outside of an abusive relationship and hope that they can offer a better life for their children. Esperanza has provided the supportive services needed for victims that reside in the extensive rural areas of New Mexico—victims who were often overlooked before VAWA.

I am very disappointed that it has taken so long for the Senate to take up and reauthorize VAWA. Last year when the reauthorization bill was introduced by Senator BIDEN, I agreed to cosponsor the legislation because I understand the importance of VAWA to New Mexico. Since 1994, New Mexico agencies have received over $17 million in VAWA grants. These VAWA grants have reached all four corners of my state and they have impacted the lives of thousands of New Mexicans.

One of the benefits of VAWA is that it authorized grants to address a variety of problems associated with violence against women. In 1999, Northern New Mexico Legal Services, Inc. received $318,500 under the Civil Legal Assistance grant program. In 1998, the City of Albuquerque received $482,168 under the Grants to Encourage Arrest Policies grant program. And between 1996 and this year, 20 New Mexico organizations received grants under the Rural Domestic Violence and Child Abuse grant program—20 grants totaling over $6.5 million.

In addition, Indian tribes in New Mexico have benefitted significantly from the passage of VAWA. So far, nine tribal governments and tribal-related organizations received nearly $2 million in grants under the Violence Against Women Discretionary Grants for Indian Programs. I am pleased to see that the pueblos of Acoma, Jemez, Laguna, San Felipe, Santa Ana and Zuni have been proactive and sought out these VAWA grants to make their pueblos a safer place for women and a better place for families. The State of New Mexico has also benefitted enormously from VAWA. Since 1995, the New Mexico Crime Victims Reparations Commission has been awarded over $6 million in VAWA funds.

Unless VAWA is reauthorized, domestic violence shelters in New Mexico will be closed, rape crisis centers will be shut down and thousands of victims of violence will be left without the options they have been provided under VAWA. This isn't speculation. I have received calls from police chiefs, shelter directors, church leaders, and other citizens who have told me that they will have to shut down their programs unless VAWA is reauthorized. Moreover, many prosecutors in New Mexico will lose the resources they have utilized to prosecute crimes against women. Because of the objections to bringing up VAWA for debate in the Senate, the original VAWA was allowed to expire on September 30th. That should not have happened. The House of Representatives voted overwhelmingly in favor of reauthorizing VAWA by a vote of 415–3 before VAWA expired. We need to reauthorize the Violence Against Women Act and we need to do it now.

While violence in the United States has fallen dramatically over the past 6 years, the Bureau of Justice Statistics reports that almost one-third of women murdered each year are killed by a husband or boyfriend. I believe the drop in crime we have experienced over the past 6 years is partly attributable to the passage of VAWA and the resources it made available to combat violence against women. We should not turn back the clock and go back to the level of violence we experienced in 1993. We should not go back to the days when people did not discuss domestic violence and women in abusive relationships lacked options for them and their children.

I commend Senator LEAHY and Senator BIDEN for their work on VAWA and their commitment to stopping domestic violence in this country. The amendments to VAWA will take the program further and expand the number of people benefitting from VAWA grants. I am pleased that the amount available for use by Indian tribal governments under the STOP grants was increased from 4 percent to 5 percent. In addition, 5 percent of the $40 million Rural Domestic Violence and Child Abuse Enforcement grants will be set aside for use by Indian tribal governments in the new bill.

I am also pleased to see that institutions of higher education will be provided with resources to address violence on college campuses. Schools will now be able to utilize $30 million in VAWA grants to install lighting and other deterrent measures to enhance the security of their campuses.

I also support the addition of transitional housing assistance to the VAWA. Many individuals who stay in abusive relationships often do so because they are financially dependent on their abuser. Transitional housing assistance will provide these victims and their families with temporary housing while they regain their financial independence.

The battered immigrant women provision is also important to many New

Mexico residents. No longer will battered immigrant women and children be faced with deportation for reporting an abuser on whom they may be dependent on for an immigration benefit. No person residing in the United States should be immune from prosecution for committing a violent crime because of a loophole in an immigration law.

Mr. President, VAWA is worthy legislation that is good for New Mexico and women and families across the country. VAWA should be reauthorized and passed in the form proposed today.

Mr. JEFFORDS. Mr. President, I rise today to enthusiastically support this conference report which contains the important reauthorization of the Violence Against Women Act (VAWA).

Over five years ago, Congress recognized the need for the Federal Government to take action and help combat domestic violence by passing VAWA. I was proud to be a cosponsor of that important legislation and have been pleased with the positive impact it has had in Vermont and around the United States.

The Vermont Network Against Domestic Violence and Sexual Assault has been a leader in creating innovative and effective programs toward our goal of eliminating domestic violence. Vermont has used funding under VAWA to provide shelter to battered women and their children and ''wrap-around'' services for these victimized families. Through VAWA, Vermont has also been able to help victims access legal assistance in the form of trained attorneys and advocacy services. In addition to fully utilizing funding available to train and educate law enforcement and court personnel, I am proud to say that Vermont is a national leader in the education and training of health care, welfare and family service workers who are likely to come in contact with victims of domestic violence.

While we have made advances in combating domestic violence in Vermont and all around the United States by programs funded through VAWA, there is still more work to be done. Every nine seconds across the country an individual falls victim to domestic violence. Recently, this statistic was brought home when churches and town halls in Vermont rang their bells in recognition and to raise awareness of this tragic violence that impacts so many lives. We must continue and strengthen our focus on this important issue.

I was proud to be an original cosponsor of this reauthorization when it was introduced this June, and feel that this legislation made many important improvements and additions to the programs and funding of VAWA while ensuring the maintenance of its core focus of combating domestic violence. Some important provisions of this legislation to Vermont include:

Reauthorization of current domestic violence programs through the Department of Health and Human Services and increasing funding for these programs so they can provide more shelter space to accommodate more people in need;

Extension of the discretionary grant program which mandates and encourages police officers to arrest abusers;

Creation of a five percent set aside towards State domestic violence coalitions;

Extension of state programs that deal with domestic violence in rural areas; and

Establishment of a new grant program to educate and train providers to better meet the needs of disabled victims of domestic violence.

In addition, I want to thank Senator HATCH and Senator BIDEN for including a reauthorization of the Family Violence Prevention and Services Act in the Violence Against Women Act. As the primary source of funding for local shelters, the Family Violence Prevention and Services Act is a vital cornerstone in the Federal response to domestic violence. This reauthorization ensures that this program can continue to grow with an increased authorization level. The Family Violence Prevention and Services Act is normally part of the Child Abuse Prevention and Treatment Act reauthorization process which is scheduled to be completed next year. As Chairman of the Committee on Health, Education, Labor and Pensions, I will be working with domestic violence organizations to see what, if any, changes need to be made in the Family Violence Prevention and Treatment Act to increase its capacity to serve the victims of family violence.

I am pleased with the fine work of Senators BIDEN and HATCH in crafting the original VAWA, and that these two Senators were able to further formulate a bipartisan, compromise version of this reauthorization which I was happy to cosponsor.

Since July, I have both written and talked to the Majority Leader calling for Senate consideration of this important legislation. While it was somewhat delayed, I am grateful that the Senate will be endorsing the reauthorization of VAWA today. While the reauthorization of VAWA is an important step, I remain committed to continuing to enact legislation to eliminate domestic violence in Vermont and all around the United States.

Mr. LEVIN. Mr. President, today the Senate is taking up and voting on the Trafficking Victims Protection Act Conference Report, which includes the reauthorization of the Violence Against Women Act. I commend the sponsors of the Trafficking Victims Protection Act. It is estimated that approximately 50,000 women and children are trafficked in the United States every year, many of whom are sexually exploited and forced into involuntary servitude. This bill will provide a comprehensive approach to prevent trafficking as well as ensure vigorous prosecution of those involved in this deplorable practice.

I am also pleased that this bill includes the Violence Against Women Act, VAWA, which has provided an unparalleled level of support for programs to end domestic and sexual violence. VAWA grants have made it possible for communities across the nation to provide shelter and counseling for hundreds of thousands of women and their children. Since 1995, more than $1.5 billion has been appropriated under VAWA's grant programs. Michigan has been awarded about $50 million in Federal grants under VAWA. Those grants provided invaluable resources to survivors of domestic and sexual violence in Michigan. For example, Rural grants have permitted 12 rural counties in Michigan to hire full time advocates for providing services to victims through outreach programs. VAWA Civil Legal Assistance Grants have allowed more than 5 Michigan communities to develop Civil Legal Assistance Programs, which provide quality legal assistance to hundreds of women and children. In addition, 35 Sexual Assault Services Programs and more than 20 Sexual Assault Prevention Programs have been created or strengthened in our state as a direct result of VAWA.

Furthermore, VAWA has been tremendously successful in the training of judges, court personnel, prosecutors, police and victims' advocates. Mary Keefe, Executive Director of the Michigan Coalition Against Domestic and Sexual Violence, explained in a letter to me that ''with the heightened training of police, prosecutors, and other in the criminal justice field, many of these systems are now routinely referring the victims they encounter to domestic violence and rape crisis programs.''

VAWA programs have been especially important to women in rural communities, where support networks had been limited due to distance. Here is just one case of such a victim—forwarded to me from the Michigan Coalition Against Domestic and Sexual Violence—whose life was possibly saved by a VAWA grant.

''Jamie'' (not her real name) was referred to the Domestic Violence Program by the Prosecutor. Jamie had shared with the prosecutor that she was ''afraid for life,'' and that she was afraid to participate in prosecution because of repercussions she may have to bear from her assailant. She soon fell out of contact with the prosecutor and the case against her assailant was on shaky ground.

The county prosecutor referred Jamie to the VAWA funded advocate. She came to the program in January, reluctant and fearful, but open to talking to the advocate. The advocate was able to provide two full days of intensive interaction with this survivor. Counseling her, preparing a safety plan for her and her children, telling her how the legal system works and preparing her for what she could expect each step of the way.

The advocate was actually able to pick Jamie up, drive her to court each time, sit by her, reassure her throughout the process, listen to her when she was angry and fearful, explain what was going on, and nurture her through the process of being a witness to this case.

The perpetrator was eventually convicted on several counts, and is serving time in the County jail.

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

Congress to work expeditiously to develop a bill that addresses the needs of the Nation.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 7, 2000.*

The PRESIDING OFFICER (Mr. VOINOVICH). The majority leader.

Mr. LOTT. Mr. President, we do have some additional consent requests we have been working on. I have a couple here and Senator MCCAIN has agreed to allow us to do these. Then he has a couple of unanimous consents he wants to ask. The first has to do with the Defense Department authorization bill for the next fiscal year.

UNANIMOUS CONSENT AGREEMENT—H.R. 4516

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the DOD authorization conference report following the reconsideration vote on H.R. 4516 on Thursday, and the conference report be considered as having been read and debated under the following time agreement: 2 hours under the control of the chairman of the Armed Services Committee, 1 hour under the control of Senator GRAMM, 2½ hours under the control of Senator LEVIN, 30 minutes under the control of Senator WELLSTONE; That following the debate just outlined, Senator KERREY be recognized to make a point of order and that the motion to waive the Budget Act be limited to 2 hours equally divided in the usual form.

I further ask consent that following the use or yielding back of time on the motion to waive, the Senate proceed to vote on the motion and, if waived, a vote occur immediately on adoption of the conference report, without any intervening action, motion, or debate.

Mr. REID. Reserving the right to object, I say to the majority leader we have no problem going to the bill. We have a problem with the time right now. There is one Senator over here trying to work something out with both majority and minority staff. We feel confident that can be done. But I think it would be to everyone's best interest if we stop the unanimous consent agreement after the word ''read'' on the first paragraph.

Mr. LOTT. Mr. President, I am sure there is a good faith effort being made here. So I will revise my unanimous consent request.

But let me emphasize to all the Members that this is a very important bill. Some people think: We have passed the Defense appropriations bill, the military construction appropriations bill; what do we need an authorization bill for? This is the bill that makes the law that authorizes things for our military men and women, including an increase in pay, including the very important, laboriously worked out provisions with regard to health benefits for our active duty men and women and their families and our retirees. It also has the Department of Energy language in which the Presiding Officer has had so much interest. This is really a big bill and an important bill. So I hope we can get agreement. I believe we will.

Also, I emphasize that by spending 6 hours on this bill, you know that is time we could be spending on the Agriculture appropriations conference report or other conference reports that may be ready by tomorrow afternoon. So I hope we can get this locked up soon.

But, in view of the legitimate request that was made by the Senator, I modify my unanimous consent request and end it after the words ''considered as having been read'' in the first paragraph.

Mr. REID. Mr. President, reserving the right to object, I say to the majority leader, I think the work done by Senator WARNER and Senator LEVIN on this bill has been exemplary. They worked well together. This is a very important bill. We on this side, the minority, understand the importance of this legislation. As we speak, we are working with one of our Members to get this worked out.

Maybe before the evening is over we can get back and put in the time agreement. We just are not able to do that right now. But we want to make sure we underscore what the leader has said. This is an important bill. I really hope we can complete it before the end of the session.

Mr. WARNER. Mr. President, I, first, thank the distinguished leader and distinguished Democratic whip, all of us who made this possible. We are within 1 millimeter of resolving this problem. It has just been addressed to me. This is the first time I heard it. I know the Senator very well and we are going to see what we can do to work this thing out. So I think the Senate can assume that what the leadership has presented here, this unanimous consent request, can be accepted in the course of the day.

Mr. LOTT. OK.

Mr. WARNER. This will be the 39th consecutive authorization bill for the Armed Forces of the United States by the Senate. And it is an absolute must piece of legislation, as our distinguished leader and the distinguished Democratic whip said.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 4461

Mr. LOTT. Mr. President, I ask consent that at 10 a.m. on Friday the Senate turn to the conference report to accompany H.R. 4461, the Agriculture appropriations conference report, and it be considered under the following agreement, with the time equally divided in the usual form.

I ask consent that debate continue beginning at 9:30 a.m. on Tuesday and proceed through the day.

I ask consent the vote occur on adoption of the Agriculture conference report at 9:30 a.m. on Wednesday and paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we have no objection if we would move to this by a vote. We would agree to a voice vote. We do not believe we can do this by consent.

Mr. LOTT. Mr. President, if I could ask the Senator to yield and make sure I understand what he is saying, did you say we could do this by voice vote?

Mr. REID. We would be willing for you to move to proceed and we would voice vote that.

Mr. MCCAIN. I object.

Mr. LOTT. Mr. President, again, we will keep working to try to get agreements accepted. I do not quite understand why the Agriculture appropriations bill cannot be debated tonight, now, and voted on tomorrow. And I do not understand why we cannot get an agreement to have debate on it on Friday and Tuesday, and a vote on Wednesday. I know there are Senators who want to talk on it. That is their right in the Senate. But if we are ever going to get this process completed, we need to get the Agriculture appropriations conference report done.

I am still holding out some hope that maybe the Commerce-State-Justice conference report and even the Labor-HHS conference report could be agreed to and could be dealt with tomorrow in such a way we could have a vote on them on Thursday or Friday. But we do not have that yet.

Is there objection?

Mr. REID. Mr. Leader, if I could just say before you withdraw the consent request, we would be willing, tonight, to have you move to proceed to this measure.

As I said, we would be agreeable to move to proceed to this bill by a voice vote and start the debate tonight. We are not in any way trying to delay the consideration of this very important bill.

Mr. LOTT. I think the Senator knows there is a great difference between moving to proceed and asking unanimous consent. For now, obviously, we cannot get the unanimous consent agreement, so we will not be able to proceed.

In light of the discussions we have just had, and since we cannot get an agreement on taking up Agriculture now, the next votes will occur at 12:30 p.m. tomorrow regarding HUD-VA and related issues, and additional votes will occur late tomorrow afternoon regarding the DOD authorization conference report if we can get this time agreement worked out, and I assume we will be able to. With that, I yield the floor.

TRANSPORTATION RECALL ENHANCEMENT ACCOUNTABILITY AND DOCUMENTATION ACT

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, in just a few minutes I will propound a unanimous consent request concerning the

Transportation Recall Enhancement, Accountability, and Documentation Act. First, I ask unanimous consent that a letter I just received from the Secretary of Transportation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, October 11, 2000.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the House acted early today to pass H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act. This is another important step toward resolving issues raised by the National Highway Traffic Safety Administration's (NHTSA) ongoing Firestone tire investigation.

We strongly support enactment of H.R. 5164. The bill provides increased penalties for safety defects and noncompliances in motor vehicles and motor vehicle equipment; lengthens the period for free remedy of defects and noncompliances; enhances the ability of NHTSA to obtain information from foreign as well as domestic sources; and authorizes increased appropriations to enable NHTSA to carry out its additional responsibilities. These provisions were sought by the Administration in its proposed legislation. H.R. 5164 also directs NHTSA to review and report on its procedures for opening defect investigations, a review which the agency has already begun, and directs NHTSA to conduct rulemaking to amend the safety standards on tires, an action which is consistent with the agency's rulemaking plans.

The early warning section in H.R. 5164 enables NHTSA to obtain information about potential defects earlier than under current law. The agency will use the information in deciding whether to open an investigation and will be able to release information in the context of its investigation, as it does today. Information that is not made a part of an investigation could be released if NHTSA determines it would assist in carrying out the agency's investigative responsibilities. The bill contains a new section 30170 that augments the penalties under section 1001 of title 18, United States Code, if a person intentionally misleads the Secretary concerning a safety defect that results in death or serious injury. A ''Safe Harbor'' provision would excuse the person from the augmented penalties, but would not excuse the person from other penalties under section 1001. The Department of Justice will communicate separately its views on the criminal provisions.

The focus now turns to the Senate, where you have been working diligently on passage of similar legislation, S. 3059, the Motor Vehicle and Motor Vehicle Equipment Defect Notification Improvement Act. Both of the bills contain several key provisions proposed by the Clinton-Gore Administration. We are committed to ensuring that NHTSA has the authority to seek and receive information on potential defects; receives sufficient funding to carry out its expanded responsibilities; and has the authority to impose stiffer penalties to ensure compliance with U.S. motor vehicle safety laws.

Also, Senate confirmation of the President's nominee for Administrator of NHTSA would help implementation of this legislation immeasurably.

In the final days of the 106th Congress, we must not lose the opportunity to save lives and prevent injuries. I urge the full Senate to pass H.R. 5164 before the end of this session. It is critically needed legislation.

Sincerely,

RODNEY E. SLATER.

Mr. MCCAIN. Mr. President, I will quote parts of the letter from Secretary Slater:

DEAR MR. CHAIRMAN: As you know, the House acted early today to pass H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation Act. This is another important step toward resolving issues raised by the National Highway Traffic Safety Administration's ongoing Firestone tire investigation.

We strongly support enactment of H.R. 5164. The bill provides increased penalties for safety defects and noncompliances in motor vehicles and motor vehicle equipment; lengthens the period for free remedy of defects and noncompliances; enhances the ability of NHTSA to obtain information from foreign as well as domestic sources; and authorizes increased appropriations to enable NHTSA to carry out its additional responsibilities. These provisions were sought by the Administration in its proposed legislation. H.R. 5164 also directs NHTSA to review and report on its procedures for opening defect investigations, a review which the agency has already begun, and directs NHTSA to conduct rulemaking to amend the safety standards on tires, an action which is consistent with the agency's rulemaking plans.

I will not read the whole letter, except the last paragraph:

In the final days of the 106th Congress, we must not lose the opportunity to save lives and prevent injuries. I urge the full Senate to pass H.R. 5164 before the end of this session. It is critically needed legislation.

Save lives and prevent injuries.

I ask unanimous consent to print in the RECORD a letter that was sent from Ms. Claybrook, president of Public Citizen, and others to the House of Representatives on October 9.

That letter says:

DEAR REPRESENTATIVE: We are writing to urge the passage of H.R. 5164, despite its serious deficiencies.

It ends up in the last part of the letter:

We urge you to vote to send this bill forward, to encourage the House managers to work with the Senate managers to improve the legislation, and to make sure the authority of NHTSA to protect the public safety is not degraded.

Even though there may be objections from Ms. Claybrook and some of her colleagues, the fact is she wrote to the House urging a vote for this legislation at this time. I think it should be an important part of the RECORD.

Finally, I do not view this as a panacea. The Presiding Officer has significant concerns. We had entered into a colloquy concerning his concerns. Those concerns are legitimate. I assure the Senator from Ohio that the Senator from South Carolina and I will continue to work on this issue next year. I will tell the Senator from Ohio why: Because there is going to be more people dying before this issue is resolved. Just this last weekend in Louisiana, a young boy, who was in a rollover accident from a tire that shredded, went into a coma.

I am pleased and gratified that the Senator from South Carolina, who has some differing views, as I do, on this bill, wants to see it perfected, as does the Senator from Ohio. But I also agree with the Secretary of Transportation who says that this is an enormously important step forward to take.

I take this opportunity to thank Senator HOLLINGS for his efforts and the way we worked in a bipartisan fashion to report a bill by a vote of 20–0 out of the Commerce Committee.

I will propound two unanimous consent requests, if the first one is objected to. If the first one is objected to, then I will try another unanimous consent request.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. MCCAIN. I will be glad to yield to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished chairman of the committee has led the way on this tire safety measure on the Senate side. I just had an opportunity to look at the House provision. There is no question that there are two or three things in there that should be cleared up. One, it has certain reporting requirements, but then the National Highway Traffic Safety Administration is supposed to keep them top secret. I want that explained to me. We do not operate like the CIA. There is no reason to keep it from public knowledge. In fact, that is exactly why we have this entity—to collect reported defects that come to the attention of the consumers in America.

Secondly, there is another provision with respect to criminal penalties. I have tire manufacturers in my State, and I wanted to be absolutely clear that we did not unduly threaten fine, good businessmen who are working to produce a safe product. Or make it so that they would be faced with some kind of criminal charge by way of a mistake that did not come to their knowledge. That was not the intent of the Senator from Arizona and the Senator from South Carolina as we worked through this.

Obviously, that was taken out of the Senate bill. Otherwise we would never have had a unanimous vote in reporting this bill 20–0. But there is a provision in that House bill whereby if there has been a willful and malicious reporting to this agency—such as we saw in the tobacco case where they all raised their hands and you knew they were lying at the time—then there should be a criminal penalty. That ought to be cleared up in the House bill.

We are only asking that the Senate bill be considered so we can amend the House bill and work this measure out under the leadership of Senator MCCAIN.

The other provision with respect to the reporting of claims—after all that is the only way we found out about these recent deaths that now approximate 100 killed on the highways. As

they brought these claims down to a conclusion, the judge put them under what we call a gag order where they were not allowed to consider or consult or even talk about the final settlement. It was more or less kept top secret from the press and media, and nobody knew it was going on.

Of course, NHTSA has been practically dormant. They have not operated the tire safety requirements since the year 1973, and this reflects on us in the committee. They have not had or ordered a single recall on tires in the last 5 years.

There have been 99 million overall safety vehicle recalls, but they have all been voluntary on account of the threats of lawsuits. We know that. It was only because of the word getting out about these lawsuits that we finally have gotten to pay attention to this, bringing out a bill, unanimously reported under the leadership of the distinguished chairman of the Commerce Committee, which is totally bipartisan.

I join in the Senator's request, which I am confident he will make, that we be able to bring the Senate bill up, amend the House bill, work this out in the next few days—it could be worked out by tomorrow—and have a good measure that would save lives in America.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from South Carolina. I understand his concerns.

Let me quote from a letter from the Secretary of Transportation:

> The early warning section of H.R. 5164, enables NHTSA to obtain information about potential defects earlier than under current law. The agency will use the information in deciding whether to open an investigation and will be able to release information in the context of its investigation, as it does today. Information that is not made a part of an investigation could be released if NHTSA determines it would assist in carrying out the agency's investigative responsibilities. The bill contains a new section 30170 that augments the penalties under section 1001 of title 18, United States Code, if a person intentionally misleads the Secretary concerning a safety defect that results in death or serious injury. A ''Safe Harbor'' provision would excuse the person from the augmented penalties, but would not excuse the person from other penalties under section 1001. The Department of Justice will communicate separately its views on the criminal provisions.

I point out again, this is not a perfect bill. I want exactly what came out of the Senate. The House passed, unanimously, by a voice vote, H.R. 5164.

The Secretary of Transportation says: ''We strongly support enactment.'' He finishes up by saying—and I hope my colleagues understand this—

> In the final days of the 106th Congress, we must not lose the opportunity to save lives and prevent injuries.

This is not a perfect piece of legislation but an awesome responsibility, at least in the view of the Secretary of Transportation. An opportunity to save lives and prevent injuries is occurring here. I do not think we can let that pass by.

If there is objection, I will, again, ask that the Senator who objects appear on the floor to object. We are not talking about a policy decision here; we are talking about the fact that over 100 lives have been taken on America's highways over a defect that, in the view of every expert, we are making significant progress in addressing.

So, Mr. President, I will begin with my first unanimous consent request, and I will follow it with a second unanimous consent request if it is objected to.

Mr. President, I ask unanimous consent that when the Senate receives H.R. 5164 from the House, it be held at the desk. I ask further that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to consideration of the bill, and that only relevant amendments be in order to the bill, and that the bill then, as amended, if amended, be advanced to third reading and passed.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend from Arizona, I do not have a copy of the request, but it is my understanding, from hearing what the Senator read, it is a bill to come before the Senate with relevant amendments.

Mr. MCCAIN. Yes, that is correct.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Mr. President, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to consideration of H.R. 5164 and that it be immediately advanced to third reading and passed, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, would the Senator read that unanimous consent request again, please?

Mr. MCCAIN. I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to consideration of H.R. 5164 and that it be immediately advanced to third reading and passed, with no intervening action or debate.

Mr. REID. Reserving the right to object, I say to my friend from Arizona, this has been signed off on by the ranking member of the committee and signed off on by the leadership over here. But we still have two Senators who want to offer relevant amendments. We will work on that and see what we can do. But at this stage, because of that, I am going to have to object unless the agreement allows for relevant amendments. We would agree to time limits. We would agree to a very short time limit on the relevant amendments, but we do have two Senators who wish to offer relevant amendments.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, as I said on Friday, this is not an ordinary piece of legislation. It is a piece of legislation that, in the view of the Secretary of Transportation, has to do with saving lives and preventing injuries. Over 100 Americans have died on the highways of America already.

After the completion of Senator ROBERTS' remarks, I will insist that the two Senators come down and object in person. This is too serious a business, I tell the Senator from Nevada, for them to assume a cloak of anonymity. If they want amendments, then I will be more than happy to hear their objections and see what their amendments are. But this is not acceptable. It is not acceptable, when lives are at stake, for Senators—at least the Senator from Oklahoma objects and comes down and takes the responsibility for the objection. It is not acceptable for Members on the other side of the aisle to hide behind the Senator from Nevada in their objections.

Mr. NICKLES. Will the Senator yield for a question?

Mr. MCCAIN. I am glad to yield to the Senator from Oklahoma for a question.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I am asking the Senator from Arizona a question.

The unanimous consent request that you are now making is to take up and pass the bill that passed last night, without objection. It passed by a voice vote late last night, unanimously, through the House of Representatives, and is the bill that the Secretary of Transportation, Mr. Slater, urged that the Senate and the Congress pass?

Mr. MCCAIN. I might add, it has to do with saving lives and preventing injuries.

Mr. NICKLES. I compliment my friend from Arizona because, one, you are showing flexibility. I compliment you because you have stated what your preference is. You have your preference in the bill that passed out of the Commerce Committee, of which you are the Chair and Senator HOLLINGS is the ranking member. But you are also saying, if I cannot get that, realizing that we are on overtime right now and we are running out of days, you are willing to say, let's take the House-passed bill. The House-passed bill passed unanimously. That does not happen all that often around here for legislation that is this significant.

The Senator from Arizona is saying he is willing to take it and pass it. It is the same bill that the administration says they want. And it will become law if we can get this consent agreed to.

So I compliment my colleague from Arizona. I hope our colleagues would possibly even reconsider and let us pass this bill tonight or tomorrow.

Mr. REID. Mr. President, under my reservation, I remind the Senator from Arizona and the Senator from Oklahoma that on Friday of last week we agreed on this side to have the Senate bill brought before the Senate at that time, pursuant to the unanimous consent request of the Senator from Arizona, to have relevant amendments. We have no objection to that coming before the Senate and working on it that way.

This matter which has just passed the House, we just got it a matter of minutes ago—not hours ago; minutes ago—and we have two Senators who want to look at this legislation. They have some idea that they want to offer relevant amendments. We know that, come the light of day, they may not want to offer those relevant amendments, but now they do.

So I say to my friend from Arizona that he can come back after Senator ROBERTS speaks, but the same objection will be there unless we hear in the interim that the Senators, for some unknown reason, withdraw their objections.

On that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona retains the floor.

Mr. MCCAIN. Let me just say that I will be here on the floor. If the two Senators who object from the other side of the aisle would like to come down, I would be glad to discuss their concerns. I would be glad to commit to holding hearings, along with Senator HOLLINGS, next year to try to perfect this bill.

I know my friend from South Carolina has serious concerns about the safe harbor aspect of this bill. I intend to work with him to tighten it up. I much would have preferred the bill pass through the Senate, let me tell you.

We inaugurated a little phrase called ''straight talk'' back when I was seeking another office. I will tell you, in straight talk, what this is all about. This is the trial lawyers against the automotive interests. Trial lawyers do not want it because they do not like the provisions. They want to be able to sue anybody for anything under any circumstances. And the automotive industry wants this thing killed, figuring that the publicity surrounding these accidents and these tragedies that are taking place will die out and they will be able to kill off this legislation next year.

Straight talk, Mr. President, that is really what it is all about. It is another compelling argument for campaign finance reform because neither the trial lawyers who want to make this bill untenable for the manufacturers, nor the manufacturers who want to water down this bill so dramatically that it will have no effect, should be the ones who are driving this problem.

This legislation is all about saving lives and preventing injuries. So what we are seeing here is that special interests are winning again. I think it is wrong. I don't know how you go back to the American people and say we didn't enact legislation—we could not get together after a unanimous vote in the House—to resolve some concerns over an issue that ''would save lives and prevent injuries.''

Mr. REID. If the Senator will yield, I say to my friend, he and I came to Washington at the same time 18 years ago. I know he has more patience than I, but we have to have a little bit of patience. In this instance, I don't think it is going to require a great deal of patience. We are going to be in session tomorrow, and I think there is a very good possibility, as I see it, that the persuasive arguments Senators have made today and last week will prevail and this legislation will pass.

As things now stand, we have people who haven't been able to read the bill. They may have some problems with it. The ranking member, the Senator from South Carolina, and some of our people over here—and, of course, the Senator from South Carolina works well with the Senator from Arizona, and we will see what we can do to get this wrapped up.

Mr. MCCAIN. Mr. President, in closing, I appreciate the efforts on the part of the Senator from Nevada. As he said, he and I came to Congress together many years ago, and we are good friends. I want to also, again, pay great praise to Senator HOLLINGS, who has really had to go a long way in compromising in order to see that this legislation is passed. I will be seeking unanimous consent tomorrow morning. I am not exactly sure when, but it will be sometime in the morning when it fits in with the parliamentary procedures. I hope the unanimous consent request can be agreed to. I thank my friend from South Carolina and the Senator from Nevada. I know we will be working assiduously to try to get these objections solved.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I don't want the Senator to take back his praise, but let me clear the record relative to trial lawyers. Trial lawyers got us where we are. If it hadn't been for trial lawyers bringing the cases and filing some of the reports made on the recoveries thereof, we would not have awakened, literally, and awakened our own Commerce Committee to have the hearings to put us on the floor this evening.

I am intimate with the trial lawyer movement in this country. I can tell you that they have become a whipping boy for Tom Donahue and his blooming Chamber of Commerce, and any time you want to pass some measure like the Y2K bill, the trial lawyers had no objection whatsoever.

I have to correct the record because the chairman said that is the contest that is going on, about the right to sue and everything else. They have the right. The right is there and neither the Senate bill nor the House bill denies that right. We strengthen it with the reporting and then make the reports public so they can be attained, and they can avoid going to court on cases and avoid trial lawyers. So this particular bill is agreed to by this particular trial lawyer—either the Senate or the House version this evening, right now. I would vote for either one of them. But I think we can get a much better bill with the Senate bill. I wanted to correct the comments made about the trial lawyers because they have been there bringing peace and justice and safety to America's consumers. They got us this far, and I am proud to commend the trial lawyers for doing their work and saving lives.

I yield the floor.

Mr. MCCAIN. Mr. President, I have one comment in response to my friend. I knew any comment about trial lawyers would not go unnoticed by him. As always, I am very appreciative of his comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I want to join the Democratic whip in propounding the identical unanimous consent request with regard to the bringing up of the DOD conference report as stated to the Senate by the distinguished majority leader just moments ago.

Mr. REID. Mr. President, we have no objection. The staffs of Senator LEVIN and Senator WARNER have worked out the problem.

Just a minute, Mr. President.

Reserving the right to object, Mr. President, we are not going to be able to do the agreement. There is a procedural problem with the Agriculture authorization, which goes first. We will work on that later.

Mr. WARNER. Mr. President, I handed the Senator a colloquy which Senator LEVIN signed. The Senator raising the objection signed the colloquy.

Mr. REID. Why don't we have the Senator from Kansas speak, and we will see if anything can be done.

Mr. WARNER. I withdraw the request.

MORNING BUSINESS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate now be in a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

TRIBUTE TO BRUCE VENTO

Mr. GRAMS. Mr. President, today I come to the floor to offer a tribute to a humble man.

Yesterday, while I was in Minnesota, I received word that one of my former colleagues from the House of Representatives, Congressman Bruce Vento, had passed away after a battle with cancer.

My tribute cannot adequately communicate his successful career, because to Bruce, words always paled in comparison to acts.

Bruce was a tireless advocate for the residents of St. Paul, first in the State Legislature and, for the past 24 years, in the U.S. Congress.

He was a man of his word and a man of principle.

He was a man committed to doing the right thing for the right reason, no matter how long it took.

Take for example his work on behalf of Hmong veterans—a large number of whom reside in his Congressional district.

He worked on it for over a decade: educating his colleagues about the need to help their constituents and offering the compromises needed to get the job done.

I was pleased that after his tireless work Congress after Congress, year after year, Bruce's effort paid off.

Earlier this year, Congress passed and the President signed into law his legislation to facilitate citizenship to Hmong veterans who served with us in the Vietnam War.

Bruce was an effective Congressman for the St. Paul area.

We worked together on a number of fronts to support Minnesota and the people of St. Paul such as improving senior and low-income housing in St. Paul, supporting St. Paul's effort in becoming a Brownfields Showcase Community, and pursuing projects to improve the St. Paul Community.

Bruce is best known for his efforts to protect the environment and to improve our national parks and wilderness areas.

All Minnesotans will benefit from his work to ensure the outdoor activities we all enjoy will be there for our children and grandchildren.

That is his legacy, and we are all proud and grateful for his achievements.

Minnesotans were represented well by Bruce Vento, and he will be missed.

To his family and friends, I extend my deepest sympathy.

Mr. LEAHY. Mr. President, we all in the Senate and the House have been saddened by the death of Bruce Vento. Congressman Vento came to the Congress 2 years after I did. We served together and worked together on many issues. He belonged, proudly, to a sort of informal Italian-American caucus. We would talk about from which parts of Italy our families had come, and we became close friends.

I remember talking with Bruce when he was first diagnosed with cancer. I told him he was in my prayers, my wife's prayers, our family's prayers. He was a good man.

I was sad when I heard him announce he would not run for reelection because of his illness. Of course, we have been notified of his death.

There are Senators and House Members who come here who, under the old saying, some are show horses and some are workhorses. He was a workhorse. One of his priorities during his last year in Congress was the plight of the Hmong people, many of whom settled in Minnesota. They are people from Laos who had fought with the United States and its allies in the Vietnam war and came to the United States afterwards. They very much wanted to become citizens here but had great difficulty learning English because they come from a culture that does not have a written language.

Bruce Vento was the primary House sponsor of the Hmong Veterans' Naturalization Act, a bill that passed the House and Senate earlier this year and became law. This bill waives the English language requirement for naturalization, and provides special consideration for the civics requirement for Hmong veterans and their spouses and widows. It has been a small concession on our part in return for the great sacrifices these men made in fighting for the American cause in Southeast Asia. I am pleased that with the help of Senators WELLSTONE, FEINGOLD, HAGEL, MCCAIN, and others the bill became law before the Congressman's untimely death earlier this week.

There is another bill that addresses an outstanding issue in the Hmong Veterans' Naturalization Act. H.R. 5234, cosponsored by Congressman Vento, will extend the benefits of the new law to widows of Hmong veterans who died in Laos, Thailand, or Vietnam. The bill was passed by voice vote in the House on September 25. The Senate companion bill is strongly bipartisan with seven Democrats and five Republicans joining Senator WELLSTONE as sponsors. I urge my friends on the other side of the aisle to lift the hold they have on this bill and allow it to pass so we can complete our work on this important issue. We can do this in Bruce Vento's memory, but we can also rectify an injustice that has been done to the Hmong people who have come to this country.

Mr. FEINGOLD. Mr. President, it is with great sadness that I join my colleague from Minnesota, Senator WELLSTONE, in paying tribute to the life of our colleague, Congressman Bruce Vento. I learned of the Congressman's passing upon my return to Washington. I send my condolences to his wife Sue and his family, along with all of the people from the great state of Minnesota who mourn and who thank him for his many years of service in the House of Representatives. He is deserving of special praise in recognition of his tremendous efforts to use his status as a federal legislator to bring a voice to the voiceless and to defend such interests as environmental protection, human rights, working families and community building.

Congressman Vento's career was a truly a remarkable one. He and I shared a profound affection for the Boundary Waters Canoe Area Wilderness, a place special to so many Wisconsinites and Minnesotans. Congressman Vento bravely agreed to chair the Ely field hearings on the creation of the Boundary Waters wilderness in 1977, a courageous decision for someone who was a Freshman member of the House at the time, and was a vocal champion of that wilderness throughout his career. As I work on wilderness issues, I am often reminded of Congressman Vento's comments on the House floor during consideration of the Boundary Waters bill. He said, ''there ought to be an opportunity where someone can go and have some solitude, where someone can go and have an experience that is different.''

Congressman Vento used his career to work to protect that ''different'' opportunity for all Americans in the Boundary Waters, the Arctic Refuge, Southern Utah and many other special wilderness areas. These places and the people who cherish them, myself included, owe him a great debt.

I also had the privilege of working closely with Congressman Vento in this session of Congress on the Hmong Veterans' Naturalization Act which is now federal law. Congressman Vento was actively involved in getting that legislation through the House.

I join with the Senate in letting Congressman Vento's family know how grateful we are for having known him, and how committed we are to ensuring that the causes to which he gave his heart and his career remain protected.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$602,307	$593,714
Highways	.....	26,920
Mass transit	.....	4,639
Mandatory	327,787	310,215
Total	930,094	935,488
Adjustments:		
General purpose discretionary	+4,367	+3,384
Highways	.....	.....

[Dollars in millions]

	Budget authority	Outlays
Mass transit	.....	.....
Mandatory	.....	.....
Total	+4,367	+3,384
Revised Allocation:		
General purpose discretionary	606,674	597,098
Highways	.....	26,920
Mass transit	.....	4,639
Mandatory	327,787	310,215
Total	934,461	938,872

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	$1,528,412	$1,492,435	$10,765
Adjustments: Emergencies	+4,367	+3,384	−3,384
Revised Allocation: Budget Resolution	1,532,779	1,495,819	7,381

HISPANIC HERITAGE MONTH 2000

Mr. DURBIN. Mr. President, I rise to offer some remarks on a timely and important topic—our national celebration of Hispanic Heritage Month.

Hundreds of years after the decline of the Spanish Empire, a new Hispanic presence is making itself felt on the world stage. Democracy is taking deep root throughout much of Latin America. Mexico just celebrated the selection of a new President in an election that is widely viewed as the freest and fairest election in that country's history. Central America is largely at peace. Free trade has spread south of our border, and will continue to spread further south.

And Hispanic Americans are taking their rightful place in this country as an important part of our thriving economy, as a wonderful contributor to the diversity of American culture, and as a powerful political force that deserves attention.

It is fitting, then—as National Hispanic Heritage Month is upon us—to recognize the Hispanic-American population for its many important contributions to the traditions and history of this nation. Started 32 years ago, this festive month acknowledges the great history of the Hispanic people, celebrate their past achievements, and recognizes that the Hispanic-American community is an essential component in the future of the United States.

Hispanics have immigrated to the United States for many different personal reasons. They have taken the journey to America in hope of a better life for themselves and their families. They have persevered throughout their struggle to maintain their own identity while learning to assimilate into American ways.

Today, the Hispanic population in the United States has expanded and become more diverse. It is now our fastest growing ethnic group, its population increasing almost four times as fast as the rest of the population. The Hispanic population is projected to account for 44 percent of the growth in the nation's population between 1995 and 2025. Hispanics are literally changing the face of this nation.

The label ''Hispanic-American'' encompasses an enormous diversity of individuals. Hispanics are not a single ethnic group but are comprised of people from Puerto Rico, Cuba, Mexico, and the countries of Central and South America. This diversity has brought a tradition of resilience and excellence to the United States, a country that derives its strength from the diversity of its people.

There is an emerging awareness of the contributions and achievements Hispanics have made. Hispanic individuals are prominent in every aspect of American life. In the business world, such names as Adolfo Marzol, executive vice-president of Fannie Mae and George Munoz, CEO of the Overseas Private Investment Corporation, are being recognized. Oscar Hijuelos, the first American-born Hispanic to win the Pulitzer Prize for fiction, is known as one of literature's award-winning authors. Maria Hinojosa, a CNN correspondent, was named one of the most influential Hispanic Americans by Hispanic Business magazine, and has received many awards for her reporting. These are just some of the extraordinary individuals who contribute to Hispanic-American culture in our country.

A few of the names of Hispanic-Americans from my home state of Illinois will resonate in history, like Luis Alvarez, the Nobel Price-winning physicist, who studied at the University of Chicago before going on to become a central figure in the Manhattan project during World War II. Others are heroes on a quieter scale, like Raymond Orozco who, until his retirement a few years back, headed the Chicago Fire Department with distinction, or Sandra Cisneros whose beautiful stories of women's courage in the midst of poverty have won her international acclaim. But most of all we benefit as a state and as a nation from the thousands of ordinary folks whose lives and dreams and everyday actions make this a richer, stronger, more interesting place to live.

The emergence of a sizable Hispanic-American population has been particularly notable in Illinois, to the great benefit of the state. More than a million Illinoisans are of Hispanic heritage. They own 20,000 businesses in the state and generate more than $2 billion in commerce. More than a quarter of a million Hispanic-Americans are registered to vote here, and the state can boast over 1,000 elected officials—from school board members to members of Congress—of Hispanic heritage.

While celebrating Hispanic Heritage Month, we shouldn't blind ourselves to the problems that still beset the Hispanic-American community. The poverty rate among Hispanics is still unacceptably high, and Hispanic youth are graduating from high school at rates significantly lower than the general population. Thankfully, many of these problems have abated in the last decade—unemployment among Hispanics is at historically low levels, for example—but there's still plenty of work to be done.

That's why I support the ''2010 Alliance'' crafted by Hispanic-American leaders and key policymakers, and announced by President Clinton this June. The Alliance sets educational goals for Hispanic-Americans in five key areas, such as increasing the rate of high school completion and increasing English language proficiency for students. The President's budget for 2001 contains more than $800 million for programs to enhance educational opportunities for Hispanic-Americans.

I am also hoping to see passage this session of the Latino and Immigrant Fairness Act. This important piece of legislation will insure that all immigrants from Latin America are treated equally in the eyes of the law. The current system that treats immigrants from one country differently from those from another country is cumbersome, confusing and inherently unfair. This Act will also restore some important rights that have historically been offered to the immigrant population, but that are now denied to them due to the highly restrictive policies adopted in the past few years. The Latino and Immigrant Fairness Act as the support of virtually every Democratic Senator as well as strong support from President Clinton and Vice President GORE. I am working hard to overcome Republican resistance to the bill so that it can become law.

The Hispanic population has become an integral part of the American mosaic. We have become united by the aspiration to make a better life for ourselves and our children. We know that America and what it stands for—freedom, prosperity, and hope—should extend to everyone the opportunity to achieve their dreams.

Through the celebration of Hispanic Heritage Month we can deepen our understanding and appreciation for a culture that has been so influential in creating the America of today and that will help shape the America of tomorrow.

JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, during the last several weeks I have listened as some of my Democratic colleagues have taken the Senate floor to complain about the Senate's work on judicial nominations. Some have complained that there is a vacancy crisis in the federal courts. Some have complained that the Republican

Senate has not confirmed enough of President Clinton's judicial nominees. Some have complained that the confirmation record of the Republican Senate compares unfavorably to the Democrats' record when they controlled this body. Some have accused the Republican Senate of being biased against female and minority judicial nominees. These complaints and accusations are wholly false and completely without merit.

First, there is and has been no judicial vacancy crisis. In 1994, when Senate Democrats processed the nominations of President Clinton, there were 63 vacancies and a 7.4 percent vacancy rate. Today, when Republicans control the Senate and process the nominations of President Clinton, there are 63 vacancies and a 7.4 percent vacancy rate—exactly the same as in 1994. Of the current vacancies, the President has failed to make a nomination for 25 of them—strong evidence that, in fact, there is no vacancy crisis. Nevertheless, despite the fact that there are the same number of vacancies and the same vacancy rate now as in 1994, Democrats continue to claim that there is a vacancy crisis.

Second, the Republican Senate has been fair with President Clinton in confirming his nominees. In fact, the Senate has confirmed President Clinton's nominees at almost an identical rate as it confirmed those of Presidents Reagan and Bush. President Reagan appointed 382 Article III judges. By comparison, President Clinton has appointed 377 Article III judges—only five fewer than were appointed by President Reagan. During the Reagan presidency, the Senate confirmed an average of 191 judges per term. During the one-term Bush presidency, the Senate confirmed 193 judges. During the Clinton presidency, the Senate has confirmed an average of 189 judges per term.

Third, the confirmation record of the Republican Senate compares favorably to the Democrats' record when they controlled this body. Comparing like to like, this year should be compared to prior election years during times of divided government. In 1988, the Democrat-controlled Senate confirmed 41 Reagan judicial nominees. The Republican Senate this year has confirmed 39 of President Clinton's nominees—a nearly identical number.

The 1992 election year requires a bit more analysis. The Democrat-controlled Senate did confirm 64 Bush nominees that year, but this high number was due to the fact that Congress had recently created 85 new judgeships. Examining the percentage of nominees confirmed shows that compared to 1992, there is no slowdown this year. In 1992, the Democrat-controlled Senate confirmed 33 of 73 individuals nominated that year—or 45 percent. This year, the Senate has confirmed 25 of 46 individuals nominated in 2000—or 54 percent, almost 10 percent higher than in 1992. Those who cite the 1992 high of 64 confirmations as evidence of an election-year slowdown do not mention these details. Nor do they mention that despite those 64 confirmations, the Democrat-controlled Senate left vacant 97 judgeships when President Bush left office—far more than the current 63 vacancies.

Senate Democrats often cite Chief Justice Rehnquist's 1997 remarks as evidence of a Republican slowdown. Referring to the 82 vacancies then existing, the Chief Justice said: ''Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal Judiciary.'' Senators who cite this statement, however, do not also cite the Chief Justice's similar statement in 1993, when the Democrats controlled both the White House and the Senate: ''There is perhaps no issue more important to the judiciary right now than this serious judicial vacancy problem.'' As the head of the Judicial Branch, the Chief Justice has continued to maintain pressure on the President and Senate to speedily confirm judges. He has not singled out the Republican Senate, however.

The Chief Justice made additional comments in 1997, which also undermine the claim of a vacancy crisis. After calling attention to the existing vacancies, he wrote: ''Fortunately for the Judiciary, a dependable corps of senior judges has contributed significantly to easing the impact of unfilled judgeships.'' The 63 current vacancies, in other words, are not truly vacant. There are 363 senior judges presently serving in the federal judiciary. Although judges' seats are technically counted as vacant, they continue to hear cases at reduced workload. Assuming that they maintain a 25 percent workload—the minimum required by law—the true number of vacancies is less than zero.

Last week, Senator HARKIN said that this year the Senate has confirmed only one circuit court nominee nominated this year, and Senator LEAHY said that this year the Judiciary Committee has reported only three circuit court nominees nominated this year. The fact is, however, the Senate has confirmed eight circuit judges this year. By comparison, the Democrat-controlled Senate confirmed seven of President Reagan's circuit court nominees in 1988 and 11 of President Bush's circuit court nominees in 1992.

It is true that of the eight circuit court nominees confirmed this year, some were nominated during the first session and some were nominated during the second session of this Congress—just as the seven Reagan circuit court nominees confirmed in 1988 and the 11 Bush circuit court nominees confirmed in 1992 were nominated in both the first and second sessions of those Congresses.

The fact that the Senate has confirmed eight circuit court nominees in this election year shows that we have been at least as fair to President Clinton with regard to appeals court nominees, as Democrats were to Presidents Reagan and Bush. The Senate has confirmed one more circuit court nominee in this last year of President Clinton's Presidency than Democrats confirmed in the last year of President Reagan's presidency, and only three circuit judges fewer than Democrats confirmed in the last year of President Bush's presidency—when judicial vacancies were at an all time high.

Fourth, allegations of race or sex bias in the confirmation process are absolutely false and are offensive. Over the last several months, I have listened with dismay as some have, with escalating invective, implied that Senate Republicans are biased against minority or female judicial nominees.

Just this month, President Clinton issued a statement alleging bias by the Senate. He said: ''The quality of justice suffers when highly qualified women and minority candidates are denied an opportunity to serve in the judiciary.'' The White House, though, also issued a statement boasting of the high number of women and minorities that Clinton has appointed to the federal courts: ''The President's record of appointing women and minority judges is unmatched by any President in history. Almost half of President Clinton's judicial appointees have been women or minorities.''

The Senate, obviously, confirmed this record number of women and minorities. That is hardly evidence of systemic bias. Indeed, it cannot credibly be argued that President Clinton has appointed a diverse federal bench and that Republicans simultaneously have prevented him from appointing a diverse federal bench.

Last November, Senator JOSEPH BIDEN, former Chairman of the Judiciary Committee, stated:

> There has been argumentation occasionally made . . . that [the Judiciary] Committee . . . has been reluctant to move on certain people based upon gender or ethnicity or race. . . . [T]here is absolutely no distinction made [on these grounds] . . . [W]hether or not [a nominee moves] has not a single thing to do with gender or race. . . . I realize I will get political heat for saying that, but it happens to be true.

Why then have Democrats insisted on repeating the insidious mantra that the Republican Senate is discriminating against women and minorities in the confirmation process? Why did John Podesta, the President's Chief of Staff appear on CNN yesterday to complain that ''women and minority candidates for U.S. Court of Appeals are sitting, stuck in the Senate Judiciary Committee''? Why did Senator ROBB take the Senate floor to accuse Senate Republicans, in inflammatory language, of ''standing in the courthouse door'' and refusing to ''desegregate the Fourth Circuit''? Why did Senator LEAHY take the Senate floor and list all the female nominees currently pending?

Why? Because Democrats have made the crass political decision to attempt to energize women and minority voters by claiming that Senate Republicans are biased against women and minorities nominated for federal judgeships. This coordinated overture to female and minority voters by the White House, the Gore campaign and Senate Democrats is unseemly.

The President's determination to play politics with judicial nominations appears as if it will only intensify. Just last Friday, the President nominated African-American Andre Davis to a seat on the U.S. Court of Appeals for the Fourth Circuit, and it is my understanding that he will nominate a woman, Elizabeth Gibson, to that Court today.

The President has persisted in making these nominations, even though I have made clear to him that the Judiciary Committee will not hold any additional nominations hearing this year. The President nominated Mr. Davis and Ms. Gibson, knowing full well that they have no chance of being confirmed. Mr. Davis and Ms. Gibson are being used for political purposes, so the President and Democrats can argue that Senate Republicans are biased against women and minorities.

Senate Republicans, however, are not biased against women and minority nominees. Data comparing the median time required for Senate action on male vs. female and minority vs. non-minority nominees shows only minor differences. During President Bush's final two years in office, the Democrat-controlled Senate took 16 days longer to confirm female nominees compared with males. This differential decrease to only 4 days when Republicans gained control of the Senate in 1994. During the subsequent 105th and 106th Congresses, it increased.

The data concerning minority nominees likewise shows no clear trend. When Republicans gained control in 1994, it took 28 days longer to confirm minority nominees as compared to non-minority nominees. This difference decreased markedly during the 105th Congress so that minorities were confirmed 10 days faster than non-minorities. The present 106th Congress is taking only 11 days longer to confirm minority nominees than it is to confirm non-minority nominees.

These minor differences are a matter of happenstance. They show no clear trend. Senator BIDEN is right when he says that ''whether or not [a nominee moves] has not a single thing to do with gender or race.'' And even if there were actual differences, a differential of a week or two is insignificant compared to the average time that it takes to select and confirm a nominee. On average, the Clinton White House spends an average of 315 days to select a nominee while the Senate requires an average of 144 days to confirm.

Under my stewardship, the Judiciary Committee has considered President Clinton's judicial nominees more carefully than the Democratic Senate did in 1993 and 1994. Some individuals confirmed by the Senate then likely would not clear the committee today. The Senate's power of advice and consent, after all, is not a rubber stamp.

There is no evidence, however, of bias or of a confirmation slowdown. There is no evidence of bias because, in fact, the Senate is not biased against female and minority nominees—indeed, the Senate has confirmed a record number of such nominees for judicial office. Furthermore, there is no evidence of a confirmation slowdown because, in fact, the confirmation process has been conducted in the normal fashion and at the normal speed.

In conclusion, it always is the case that some nominations ''die'' at the end of the Congress. In 1992, when Democrats controlled the Senate, Congress adjourned without having acted on 53 Bush nominations. I have a list here of the 53 Bush nominees whose nominations expired when the Senate adjourned in 1992, at the end of the 102nd Congress. By comparison, there are only 40 Clinton nominations that will expire when this Congress adjourns. My Democratic colleagues have discussed at length some of the current nominees whose nominations will expire at the adjournment of this Congress. Madam President, I ask unanimous consent that this list of 53 Bush nominations that Senate Democrats permitted to expire in 1992 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUSH NOMINATIONS RETURNED BY THE DEMOCRAT-CONTROLLED SENATE IN 1992 AT THE CLOSE OF THE 102D CONGRESS

Nominee	Court
Sidney A. Fitzwater of Texas	Fifth Circuit.
John G. Roberts, Jr. of Maryland	D.C. Circuit.
John A. Smietanka of Michigan	Sixth Circuit.
Frederico A. Moreno of Florida	Eleventh Circuit.
Justin P. Wilson of Tennessee	Sixth Circuit.
Franklin Van Antwerpen of Penn.	Third Circuit.
Francis A. Keating of Oklahoma	Tenth Circuit.
Jay C. Waldman of Pennsylvania	Third Circuit.
Terrence W. Boyle of North Carolina	Fourth Circuit.
Lillian R. BeVier of Virginia	Fourth Circuit.
James R. McGregor	Western District of Pennsylvania.
Edmund Arthur Kavanaugh	Northern District of New York.
Thomas E. Sholts	Southern District of Florida.
Andrew P. O'Rourke	Southern District of New York.
Tony Michael Graham	Northern District of Oklahoma.
Carlos Bea	Northern District of California.
James B. Franklin	Southern District of Georgia.
David G. Trager	Eastern District of New York.
Kenneth R. Carr	Western District of Texas.
James W. Jackson	Northern District of Ohio.
Terral R. Smith	Western District of Texas.
Paul L. Schechtman	Southern District of New York.
Percy Anderson	Central District of California.
Lawrence O. Davis	Eastern District of Missouri.
Andrew S. Hanen	Southern District of Texas.
Russell T. Lloyd	Southern District of Texas.
John F. Walter	Central District of California.
Gene E. Voigts	Western District of Missouri.
Manual H. Quintana	Southern District of New York.
Chales A. Banks	Eastern District of Arizona.
Robert D. Hunter	Northern District of Alabama.
Maureen E.Mahoney	Eastern District of Virginia.
James S. Mitchell	Nebraska.
Ronald B. Leighton	Western District of Washington.
William D. Quarles	Maryland.
James A. McIntyre	Southern District of California.
Leonard E. Davis	Eastern District of Texas.
J. Douglas Drushal	Northern District of Ohio.
C. Christopher Hagy	Northern District of Georgia.
Louis J. Leonatti	Eastern District of Missouri.
James J. McMonagle	Northern District of Ohio.
Katharine J. Armentrout	Maryland.
Larry R. Hicks	Nevada.
Richard Conway Casey	Southern District of New York.
R. Edgar Campbell	Middle District of Georgia.
Joanna Seybert	Eastern District of New York.
Robert W. Kostelka	Western District of Louisiana.
Richard E. Dorr	Western District of Missouri.
James H. Payne	Oklahoma.
Walter B. Prince	Massachusetts.
George A. O'Toole, Jr.	Massachusetts.
William P. Dimitrouleas	Southern District of Florida.
Henry W. Saad	Eastern District of Michigan.

Mr. HATCH. I would note that the Reagan and Bush nominations that Senate Democrats allowed to expire included the nominations of minorities and women, such as Lillian BeVier, Frederico Moreno and Judy Hope.

I do not have any personal objection to the judicial nominees who my Democratic colleagues have spoken about over the last few weeks. I am sure that they are all fine people. Similarly, I do not think that my Democratic colleagues had any personal objections to the 53 judicial nominees whose nominations expired in 1992, at the end of the Bush presidency.

Many of the Republican nominees whose confirmations were blocked by the Democrats have gone on to great careers both in public service and the private sector. Senator JEFF SESSIONS, Governor Frank Keating and Washington attorney John Roberts are just a few examples that come to mind.

I know that it is small comfort to the individuals whose nominations are pending, but the fact of the matter is that inevitably some nominations will expire when the Congress adjourns. It happens every two years. I personally believe that Senate Republicans should get some credit for keeping the number of vacancies that will die at the end of this Congress relatively low. As things now stand, 13 fewer nominations will expire at the end of this year than expired at the end of the Bush Presidency.

HAWAII'S PREPAREDNESS FOR A WEAPON OF MASS DESTRUCTION TERRORIST INCIDENT

Mr. AKAKA. Mr. President, I rise to commend the joint efforts of the federal Department of Health and Human Services, HHS, the Honolulu Emergency Services Department, and Hawaii's Department of Health, and National Guard for establishing one of the Nation's premier weapons of mass destruction, WMD, containment, mitigation and response capabilities. As the ranking member of the Governmental Affairs Committee, Subcommittee on International Security, Proliferation, and Federal Services, I follow Federal terrorism defense programs closely, especially those that affect Hawaii.

Terrorism, particularly the threat of domestic terrorism, remains at the forefront of concern for all of us. Although it has been 7 years since the terrorist bombing of the World Trade Center and 5 years since the destruction of the Oklahoma City Federal Building, these unspeakable atrocities left an indelible mark in the hearts of all Americans. In the intervening years, the threat of terrorism has become more pronounced. The National Commission on Terrorism recently concluded that ''. . . international terrorism poses an increasingly dangerous and difficult threat to America—today's terrorists seek to inflict mass casualties, and they are attempting to do so both overseas and on American soil. This was underscored by the December 1999 arrests in Jordan and at the U.S./Canadian border of foreign nationals who were allegedly planning to

attack crowded millennium celebrations.'' Fortunately, we have made signifcant strides in enhancing our defense against and reducing our vulnerabilities to terrorism.

The Defense Against Weapons of Mass Destruction Act of 1996, Public Law 104–201, Nunn-Lugar-Domenici amendment, authorized a coordinated Federal response to train, equip, and otherwise enhance the capability of Federal, State, and local emergency ''first responders,'' e.g., primarily police, fire, and emergency medical officers, for terrorist incidents involving mass casualties, or nuclear, biological, and chemical weapons. Most of our current antiterrorism programs are outgrowths of this landmark legislation.

More than 40 Federal departments, agencies, and bureaus have some role in combating terrorism. The Justice Department, through the FBI, is the lead Federal agency for domestic terrorism and provides on-site emergency law enforcement response to all incidents. However, State and local governments and emergency responders bear the primary responsibility for responding to terrorist incidents, augmented by Federal resources. Therefore, Federal, State, and local coordination and cooperation is critical to ensuring that our population centers are properly safeguarded. I am particularly pleased with terrorism preparedness efforts in Hawaii, which have been hailed by HHS as ''exemplary'' and ''national models.''

Two little known, but essential components of the national antiterrorism program and support to local communities are Civil Support Teams, CSTs, and Metropolitan Medical Response Systems, MMRS.

Hawaii's Civil Support Team is one of 27 Army and Air National Guard CSTs that will be deployed in 26 States by the spring of 2001. Each team consists of 22 members who undergo 15 months of specialized training. Each team is equipped with a mobile analytical lab and a communications facility. Teams would be deployed to assist first responders in the event of a WMD incident. The teams, under the command of a State's governor, provide support to civilian agencies to assess the nature of an attack, provide medical and technical advice, and help coordinate subsequent State and Federal responses. Hawaii's Weapons of Mass Destruction Civil Support Team, the 93rd WMD–CST, is a composite Army/Air National Guard Unit, and component of the Hawaii Army National Guard, Headquarters, State Area Command. The team is currently undergoing training at Fort Leonard Wood, MO, and is expected to be fully trained and deployed by May 2001.

In 1997, Honolulu was selected as one of the first 25 cities in the Nation to contract with HHS to develop a Metropolitan Medical Response System and procure essential prophylactic pharmaceuticals and specialized equipment. MMRS are multi-disciplinary medical teams consisting of physicians, nurses, paramedics, emergency medical technicians, and law enforcement officers, who provide initial on-site response and care, provide for safe patient transportation to hospital emergency rooms, provide definitive medical and mental health care to victims of various types of attack, and can prepare patients for onward movement to other regions, should this be required In August 2000, the HHS expanded Hawaii's MMRS program by directing and funding an assessment of the unique needs of geographically isolated jurisdictions and an evaluation of long-term sustainment of the MMRS. Both studies will serve as national models. This is a further testament of the quality of Hawaii's MMRS program and highly complimentary of the personnel involved in its development.

Fortunately, terrorism involving the use of weapons of mass destruction is likely to remain rare. Nevertheless, as in the case of other low probability/high consequence risks, it remains a very serious and highly complex national concern. The precautionary safeguards we have taken thus far are essential and prudent, but offer no guarantees. We need to remain vigilant and ensure that our antiterrorism and counter terrorism programs continue to be properly funded, adequately maintained, and adjusted to meet the ever evolving threat. The American public demands no less.

PIPELINE SAFETY

Mr. MCCAIN. Mr. President, I deeply regret that the House of Representatives failed yesterday to favorably approve S. 2438, the Pipeline Safety Improvement Act of 2000. That measure was taken up under suspension of the rules in the House, and therefore, needed two-thirds of the members present and voting to support its passage. The final vote was 232 to 158.

As my colleagues know, the Senate has worked long and hard to produce comprehensive pipeline safety legislation. As a result of our bipartisan efforts, we unanimously approved S. 2438 nearly four weeks ago. That measure includes the best provisions from four separate proposals pending in the Senate, including legislation introduced by Senators MURRAY and GORTON, the measure introduced by Senator HOLLINGS on behalf of the Administration, the bill introduced by Senator BINGAMAN, and the bill I introduced along with Senators MURRAY and GORTON. While the final bill may not be the preference of every member, it is a fair and balanced compromise piece of legislation and, to quote Secretary Slater, ''is critical to make much-needed improvements to the pipeline safety program. It provides for stronger enforcement, mandatory testing of all pipelines, community right-to-know information, and additional resources.''

There is one and only one reason the Senate bill fell 28 votes short, preventing it from being on its way to the President at this moment: Partisan Politics.

I can understand the hesitation on the part of some to approve a measure that doesn't include every single provision they envision as necessary to address pipeline safety improvements. But the Senate-passed bill is a good bill and would go a long way in promoting safety improvements. Senator MURRAY said it best on the floor of the Senate just two weeks ago: ''Don't let the perfect be the enemy of the good.'' But instead of heeding that advise, the House has neither approved its own version of a pipeline safety bill nor has it approved the Senate's unanimously-passed bill. And now time is simply running out.

I do not relish voicing criticism toward the House opponents of S. 2438. But because of their actions, we will most likely fail to make any advancement in pipeline safety this year. And if we are ultimately prevented from enacting pipeline safety legislation in these remaining few days of the session, these and the other members working with them will be even less pleased by the criticisms I will be directing their way if even one more life is lost because of our inaction. Be assured, I will be back on this floor reminding everyone of our missed opportunity to address identified pipeline safety shortcomings due to the actions of these few members. They will be held accountable.

Mr. INSLEE from the State of Washington testified before the Senate Commerce Committee in May on the need to pass comprehensive legislation, noting that the ''opportunity to pass comprehensive, meaningful legislation may not come again until there is another tragedy''. Sadly, since the time Mr. INSLEE made those comments, two other accidents have occurred—claiming a total of 13 more lives. How many more lives are going to be lost before Congress finally passes pipeline safety legislation?

It is my understanding Mr. INSLEE has urged the Administration, members of his House delegation, and leadership on the House side, not to support the Senate bill. It is also my understanding that he has ignored advice from his own Senate colleague, Senator MURRAY, on this matter. In doing so, he is dooming the months of effort that a member of his own party, a Senator from his own home state, has put into crafting a bill that will undoubtably improve pipeline safety. His actions may have killed the only chance that pipeline safety legislation will pass this year. And in doing so, he is ensuring that even more lives may be lost—and that the unacceptable status quo will remain.

I support passage of the strongest safety bill possible, and I know the House members I have mentioned are fully aware of this fact. The strongest bill possible at this time is the bill we approved in the Senate three weeks

ago. Mr. INSLEE's and others' claims that their efforts are driven by a desire for a stronger bill sound well and good. But the reality is those efforts only preclude any advancement in pipeline safety from occurring. The actions of these members not only ignore the substantial steps we've made to reach a fair, balanced pro-safety bill, but also could jeopardize the likelihood we'll make any progress on pipeline safety for many years to come.

I urge those members obstructing action on pipeline safety legislation to think carefully about the consequences of their obstructionist actions. Each day that passes without enactment of comprehensive pipeline safety legislation places public safety at risk.

SITUATION IN THE IVORY COAST

Mr. FEINGOLD. Mr. President, I rise to comment on the alarming situation in the Ivory Coast.

When General Robert Guei seized power in a coup last December, he indicated that he intended to hand over power to a civilian government quickly. Instead, and despite the urging of distinguished African heads of state from South Africa, Nigeria, and Senegal, Guei has chosen to run for President from his position of illegitimate authority, in which he can manipulate his own chances of electoral success.

Last Friday, the Ivory Coast's Supreme Court issued a ruling barring all but five of twenty candidates seeking to run in Presidential elections slated for later this month. The ruling disqualified popular opposition leaders, most notably Former Prime Minister Alassane Ouattara, and the former ruling party's candidate, Emile Constant Bombey. Notably, Guei's former legal advisor is now serving as the court's chief. The upcoming elections are looking more and more like political farce, and General Guei's credibility is in tatters.

Leading up to the Court's ruling, the General Guei's government took actions clearly intended to intimidate the opposition, instituting a state of emergency, banning opposition politicians from international travel, and executing sweeps to round up immigrants who have consistently supported elements of the opposition. The junta that claimed it stepped into power to save the country now appears committed to a course of destruction. One of Africa's most stable and important economies is threatened by the instability exacerbated by the junta's political machinations, and General Guei's attempts to rally popular support have been characterized by misguided, xenophobic rhetoric aimed at threatening foreigners in a country that depends upon an immigrant workforce.

The people of the Ivory Coast deserve far better than this. At its core, democratic government is about trusting citizens to choose their own destiny, not about manipulating and restricting the choices available to them. The West African region, currently engaged in a struggle between the forces of democracy and those of thuggery, certainly does not need another thinly disguised dictatorship in its ranks. The only interests served by the junta's behavior are their own.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN, CO-CHAIR OF THE NORTHEAST-MIDWEST SENATE COALITION

Mr. JEFFORDS. Mr. President, I rise today to commend the excellent service of Senator DANIEL PATRICK MOYNIHAN as co-chair of the bipartisan Northeast-Midwest Senate Coalition. Senator MOYNIHAN, as we all know and regret, will be retiring from the United States Senate at the end of this year. Many people have commented on his excellent service to the nation and to New York State. I want to pay tribute to his leadership on regional issues.

Senator MOYNIHAN was elected co-chair of the Northeast-Midwest Senate Coalition in April 1987. A bipartisan group of senators had formed the Coalition in 1978 with the goal of promoting regional economic and environmental interests. Senator MOYNIHAN replaced Senator Alan Dixon, and served for several years with Senator John Heinz. Upon his election as co-chair, Senator MOYNIHAN said, ''States in the frost belt have of late shared a burden of heavy losses in manufacturing jobs, military installations and contracts. Environmental concerns, from the rising waters of the Great Lakes to acid rain, occupy us all.''

Over the past seven Congresses, Senator MOYNIHAN persistently has advanced investments in our region's infrastructure, job-training and education programs, and basic industries. A stickler for accurate and timely data in order to judge our challenges and progress, he has documented the flow of federal funds from the Northeast and Midwest. Working with both Republicans and Democrats, he also has been a champion of the Great Lakes and the region's other great environmental assets.

Now, Lake Champlain may not be a great Lake to the rest of you, but in our part of the world, it is revered in the same way. And it is the reason behind my earliest work with Senator MOYNIHAN.

In the summer of 1989, when I was a freshman Member of the minority party and Senator MOYNIHAN was Chair of the Environment Subcommittee on Water Resources, he scheduled a field hearing to gather information on the water quality status of Lake Champlain. The hearing was split into two sessions, one on each side of the lake. We heard from Vermonters in Burlington, then enjoyed a boat ride across the lake to hear from upstate New Yorkers in Plattsburgh.

As his first act after commencing the hearing in Burlington, Chairman MOYNIHAN graciously handed the gavel to me so that I might preside over the Vermont portion of the hearing. That marked the first time I ever chaired a Senate hearing, and was made ever more memorable by the fact that DANIEL PATRICK MOYNIHAN had bestowed the honor.

We had an enjoyable, productive day, during the course of which Chairman MOYNIHAN entertained and enlightened the participants with his intimate knowledge of the history of Lake Champlain, one our nation's most historic water bodies. Moreover, he demonstrated a keen knowledge of the science, hydrology and ecology of Lake Champlain. Senator MOYNIHAN was bestowed a hero's welcome by his constituents upon disembarking on the Adirondack coast of Lake Champlain that day. He earned an everlasting respect among all who participated in the hearing.

We returned to Washington to draft the Lake Champlain Special Designation Act, in concert with Senators LEAHY and D'Amato, and promptly moved the bill through the scrutiny of the Water Resources Subcommittee, then the full Environment Committee and on to the Senate floor. Before the year had ended, that bill had become law. And it has proven to be a great success for the benefit of Lake Champlain, as well as a model for cooperation between different states, distinct federal regional jurisdictions and separate nations.

Senator MOYNIHAN, I commend you for your leadership on this important law. And I thank you for the latitude you gave me, in my first year in this United States Senate, to put my mark upon this legislation which continues to have a profound and positive influence on the ecology of Lake Champlain and the quality of life for the hundreds of thousands of people who live, work and recreate.

Aside from this example, there are many others. Senator MOYNIHAN took his assignment as co-chair of the Northeast-Midwest Senate Coalition during a time when our region was being less than affectionately referred to as the ''rust belt.'' Manufacturing plants were closing, unemployment was high, and many workers needed to be retrained for new challenges. Senator MOYNIHAN led the Coalition in trying to identify and promote public policies that would take advantage of the region's common assets—its plentiful natural resources, distinguished university and research centers, significant financial centers, and a history of entrepreneurship.

Although he would be the first to admit that challenges remain, this region's progress over the past decade and a half results, in part, from Senator MOYNIHAN's consistent leadership.

With Senator MOYNIHAN's leadership, the Coalition has advanced numerous policy initiatives. It authored the nation's first pollution prevention law and promoted the National Invasive Species Act to block the proliferation

of biological pollution. The Coalition has protected the Low Income Home Energy Assistance Program, and achieved increased appropriations for several energy efficiency programs. It held the first hearings and developed legislation on brownfield redevelopments, as well as on leaking gasoline storage tanks. The Coalition advanced increased trade with Canada, our nation's largest trading partner, and it spearheaded a range of initiatives to enhance the region's and the nation's economic competitiveness.

Mr. President, allow me to highlight a few other of Senator MOYNIHAN's specific efforts to advance economic vitality and environmental quality in the Northeast-Midwest region. In recent days, for instance, Senator MOYNIHAN has helped lead the Coalition's efforts to prepare for this winter's pending fuel crisis. Noting the rise in prices for heating oil and natural gas, he argued effectively for an emergency allocation of Low Income Home Energy Assistance Program funding. And he has been a consistent champion of Weatherization and energy conservation programs that help our region and nation to use energy more efficiently.

In order to block the introduction of invasive species in ballast water, Senator MOYNIHAN helped lead the charge for the National Invasive Species Act. He continues to work to expand that legislation beyond aquatic nuisance species to address the array of foreign plants and animals that cause biological pollution and economic loss throughout this country.

Senator MOYNIHAN and the Northeast-Midwest groups have highlighted the economic and environmental benefits of cleaning and redeveloping the contaminated industrial sites that plague our communities. He has sponsored Capitol Hill conferences on brownfield reuse, and distributed scores of Northeast-Midwest publications, including case studies of successful redevelopment projects. Senator MOYNIHAN also has helped push several bills that would provide financial, regulatory, and technical assistance for brownfield reuse.

To help provide financing and technical assistance to manufacturers, which remain critical to our region's economy, Senator MOYNIHAN and the Northeast-Midwest Coalitions have advanced the Manufacturing Extension Partnership, trade adjustment assistance, and industrial technology programs. He has sponsored an array of Capitol Hill briefings on robotics, optoelectronics, machine tools, electronics, and other industrial sectors.

In an effort to protect the Northeast and Midwest, Senator MOYNIHAN has been willing to face the criticism that comes from highlighting egregious subsidies going to other regions. He has noted, for instance, that taxpayers in the Northeast and Midwest subsidize the electricity bills of consumers in other regions, only to have those regions try to lure away our businesses and jobs with the promise of cheap electricity.

Senator MOYNIHAN has paid particular attention to the flow of federal funds to the states, tracking both federal expenditures as well as taxes paid to Washington. In his own annual reports and those by the Coalition, he documented the long-standing federal disinvestment in New York State and throughout the Northeast and Midwest. The Northeast-Midwest groups, for instance, found that our region's taxpayers received only 88 cents in federal spending for every dollar in taxes that they sent to the federal Treasury. In comparison, states of the South received a $1.17 rate of return, while western states obtained a $1.02 return. In fiscal 1998, the Northeast-Midwest region's subsidy to the rest of the nation totaled some $76 billion. Senator MOYNIHAN has led the effort to reverse this trend.

It has been a pleasure to work in a bipartisan coalition with Senator DANIEL PATRICK MOYNIHAN. He has demonstrated that good public policy results from cooperation among Democrats and Republicans. His intellectual rigor and his demand for quality data have elevated policy discussions within both the Northeast-Midwest Coalition and throughout the entire United States Senate.

My colleagues from northeastern and midwestern states join me in thanking Senator MOYNIHAN for his consistent leadership and effective advocacy.

TIME TO STRENGTHEN HARDROCK MINING REGULATIONS

Mr. DURBIN. Mr. President, I have strongly advocated strengthening so-called 3809 regulations, which governs hardrock mining on public lands. However, attempts to update these regulations have been subject to much debate.

I am pleased to see that the Interior conference report included a compromise provision related to the regulations, which should allow the BLM to move forward with their efforts to better protect taxpayers and the environment from the impacts of the hardrock mining industry.

However, I am concerned about recent statements made by my colleagues, Senators REID and GORTON, which I feel distort the intent of the provision and would weaken the 3809 regulations. I would like to take this opportunity to clarify my understanding of the meaning of this provision.

To paraphrase the language of the bill text included in the conference report, the mining provision permits the BLM to prevent undue degradation of public lands with a new and stronger rule governing hardrock mining on public lands. The only requirement is that the rule be ''not inconsistent with'' the recommendations contained in a study completed by the National Research Council, or NRC.

I agree with the Department of the Interior's interpretation that the key phrase ''not inconsistent with'' means that so long as the final mining rule does not contradict the recommendations of the NRC report, the rule can address whatever subject areas the BLM finds necessary to improve environmental oversight of the hardrock mining industry.

For example, one of the recommendations made in the NRC report would clarify the BLM's authority to protect valuable natural resources not protected by other laws. Given that recommendation, it would be ''not inconsistent with'' the report to issue a rule that would allow the disapproval of a mine proposal if it would cause undue degradation of public lands, even if the proposal complied with all other statutes and regulations. The final mining provision included in the report would permit such a rule.

However, during earlier negotiations of the hardrock mining provision, mining proponents attempted to include language that would have effectively undermined the ability of the BLM to strengthen the 3809 regulations. This original language would have bound any final rule published by the BLM to the recommendations of the NRC report. This means that a final rule could only address those recommendations made by the report and nothing else, regardless of what actions the BLM identified as necessary. The original language is as follows:

BILL TEXT

None of the funds in this Act or any other Act shall be used by the Secretary of the Interior to promulgate final rules to revise 43 CFR subpart 3809, except that the Secretary, following the public comment period required by section 3002 of Public Law 106–31, may issue final rules to amend 43 CFR Subpart 3809 which are not inconsistent with the recommendations contained in the National Research Council report entitled ''Hardrock Mining on Federal Lands'' so long as these regulations are also not inconsistent with existing statutory authorities. Nothing in this section shall be construed to expand the existing statutory authority of the Secretary.

REPORT LANGUAGE

Section xxx allows the Bureau of Land Management to promulgate new hardrock mining regulations that are not inconsistent with the National Research Council Report entitled ''Hardrock Mining on Federal Lands.'' This provision reinstates a requirement that was included in Public Law 106–113. In that Act, Congress authorized changes to the hardrock mining regulations that are ''not inconsistent with'' the Report. The statutory requirement was based on a consensus reached among Committee Members and the Administration. On December 8, 1999, the Interior Solicitor wrote an opinion concluding that this requirement applies only to a few lines of the Report, and that it imposes no significant restrictions on the Bureau's final rulemaking authority. This opinion is contrary to the intentions of the Committee and to the understanding reached among the parties in FY2000. The Committee clearly intended Interior to be guided and bound by the findings and recommendations of the Report. Accordingly, the statutory language is included again in this Report and this action

should not be interpreted as a ratification of the Solicitor's opinion. The Committee emphasizes that it intends for the Bureau to adopt changes to its rules at 43 CFR part 3809 only if those changes are called for in the NRC report.

Fortunately, this original language did not stand because it was so limiting. In fact, President Clinton threatened to veto the entire Interior Appropriations bill if the mining provision unduly restricted the ability of the BLM to update the regulations. The improved, final language indicates that the intent is not to limit the BLM's authority to strengthen the hardrock mining regulations.

The Interior Department has been working for years to update the 3809 regulations after numerous review and comments from BLM task forces, congressional committee hearings, public meetings, consultation with the states and interest groups, and public review of drafts of the proposed regulations. There is no longer any reason to delay improving these regulations.

JUSTICE FOR VICTIMS OF TERRORISM ACT

Mr. MACK. Mr. President, as an original sponsor of the Justice for Victims of Terrorism Act, I wish to make clear that the reference to June 7, 1999 in the anti-terrorism section of H.R. 3244 is intended to refer to the case of Thomas M. Sutherland.

LEGISLATIVE BRANCH APPROPRIATIONS CONFERENCE REPORT

Mr. MCCAIN. Mr. President, on September 19, I submitted for the RECORD, a list of objectionable provisions in the FY 2001 Legislative Branch Appropriations bill. Mr. President, these line items do not violate any of the five objective criteria I use for identifying spending that was not reviewed in the appropriate merit-based prioritization process, and I regret they were included on my list. They are as follows:

$472,176,000 for construction projects at the following locations:

California, Los Angeles, U.S. Courthouse;

District of Columbia, Bureau of Alcohol, Tobacco and Firearms Headquarters;

Florida, Saint Petersburg, Combined Law Enforcement Facility;

Maryland, Montgomery County, Food and Drug;

Administration Consolidation;

Michigan, Sault St. Marie, Border Station;

Mississippi, Biloxi-Gulfport, U.S. Courthouse;

Montana, Eureka/Roosville, Border Station;

Virginia, Richmond, U.S. Courthouse;

Washington, Seattle, U.S. Courthouse.

Repairs and alterations:

Arizona: Phoenix, Federal Building Courthouse, $26,962,000;

California: Santa Ana, Federal Building, $27,864,000;

District of Columbia: Internal Revenue Service Headquarters;

(Phase 1), $31,780,000, Main State Building (Phase 3), $28,775,000;

Maryland: Woodlawn, SSA National Computer Center, $4,285,000;

Michigan: Detroit, McNamara Federal Building, $26,999,000;

Missouri: Kansas City, Richard Bolling Federal Building, $25,882,000;

Kansas City, Federal Building, 8930 Ward Parkway, $8,964,000;

Nebraska: Omaha, Zorinsky Federal Building, $45,960,000;

New York: New York City, 40 Foley Square, $5,037,000;

Ohio: Cincinnati, Potter Stewart U.S. Courthouse, $18,434,000;

Pennsylvania: Pittsburgh, U.S. Post Office-Courthouse, $54,144,000;

Utah: Salt Lake City, Bennett Federal Building, $21,199,000;

Virginia: Reston, J.W. Powell Federal Building (Phase 2), $22,993,000.

Nationwide:

Design Program, $21,915,000;

Energy Program, $5,000,000;

Glass Fragment Retention Program, $5,000,000.

$276,400,000 for the following construction projects:

District of Columbia, U.S. Courthouse Annex;

Florida, Miami, U.S. Courthouse;

Massachusetts, Springfield, U.S. Courthouse;

New York, Buffalo, U.S. Courthouse.

Mr. President, the criteria I use when reviewing our annual appropriations bills are not intended to reflect a judgment on the merits of an item. They are designed to identify projects that have not been properly reviewed. Unfortunately, on occasion, items are inadvertently included that should not be.

JUSTICE FOR VICTIMS OF TERRORISM

Mr. LAUTENBERG. Mr. President, as we adopt this valuable legislation, I consider it important to clarify the history and intent of subsection 1(f) of this bill, as amended, in the context of the bill as a whole.

This is a key issue for American victims of state-sponsored terrorism who have sued or who will in the future sue the responsible terrorism-list state, as they are entitled to do under the Anti-Terrorism Act of 1996. Victims who already hold U.S. court judgments, and a few whose related cases will soon be decided, will receive their compensatory damages as a direct result of this legislation. It is my hope and objective that this legislation will similarly help other pending and future Anti-Terrorism Act plaintiffs when U.S. courts issue judgments against the foreign state sponsors of specific terrorist acts. I am particularly determined that the families of the victims of Pan Am flight 103 should be able to collect damages promptly if they can demonstrate to the satisfaction of a U.S. court that Libya is indeed responsible for that heinous bombing.

More than 2 years ago, I joined with Senator CONNIE MACK to amend the fiscal year 1999 Treasury-Postal Appropriations bill to help victims of terrorism who successfully sued foreign states under the Anti-Terrorism Act. That amendment, which became section 117 of the Treasury and General Government Appropriations Act for fiscal year 1999, made the assets of foreign terrorist states blocked by the Treasury Department under our sanctions laws explicitly available for attachment by U.S. courts for the very limited purpose of satisfying Anti-Terrorism Act judgments.

Unfortunately, when that provision came before the House-Senate Conference Committee, I understand the administration insisted upon adding a national security interest waiver. The waiver, however, was unclear and confusing. The President exercised that waiver within minutes of signing the bill into law.

The scope of that waiver authority added in the Appropriations Conference Committee in 1998 remains in dispute. Presidential Determination 99–1 asserted broad authority to waive the entirety of the provision. But the District Court of the Southern District of Florida rejected the administration's view and held, instead, that the President's authority applied only to section 117's requirement that the Secretaries of State and Treasury assist a judgment creditor in identifying, locating, and executing against non-blocked property of a foreign terrorist state.

The bill now before us, in its amended form, would replace the disputed waiver in section 117 of the fiscal year 1999 Treasury Appropriations Act with a clearer but narrower waiver of 28 U.S.C. section 1610(f)(1). In replacing the waiver, we are accepting that the President should have the authority to waive the court's authority to attach blocked assets. But to understand how we intend this waiver to be used, it must be read within the context of other provisions of the legislation.

A waiver of the attachment provision would seem appropriate for final and pending Anti-Terrorism Act cases identified in subsection (a)(2) of this bill. In these cases, judicial attachment is not necessary because the executive branch will appropriately pay compensatory damages to the victims from blocked assets or use blocked assets to collect the funds from terrorist states.

This legislation also reaffirms the President's statutory authority to vest foreign assets located in the United States for the purposes of assisting and making payments to victims of terrorism. This provision restates the President's authority to assist victims with pending and future cases. Our intent is that the President will review each case when the court issues a final judgment to determine whether to use the national security waiver, whether to help the plaintiffs collect from a foreign state's non-blocked assets in the U.S., whether to allow the courts to attach and execute against blocked assets, or whether to use existing authorities to vest and pay those assets as damages to the victims of terrorism.

Let me say that again: It is our intention that the President will consider each case on its own merits; this waiver should not be applied in a routine or blanket manner.

I hope future Presidents will use the waiver provision only as President Clinton will use other provisions of the current bill: to aid victims of terrorism and make its state sponsors pay for their crimes.

Mr. MACK. I thank Senator LAUTENBERG for making a point with which I strongly agree: the waiver authority in this legislation is intended to be used on each case or for each asset, but not to be used as a de-facto veto.

In drafting this language and negotiating with the administration over the past several months, we believe firmly that using blocked assets of terrorist states to satisfy judgments is completely consistent with the intent of the Anti-Terrorism Act of 1996, and more significantly, is consistent with our national security interest. Simply stated, making the terrorists who harm or kill Americans in acts of international terrorism pay for their acts makes for good policy. It should deter future acts of terrorism, as well as provide some small measure of justice to current victims.

Mr. KYL. I thank Senators MACK and LAUTENBERG for their leadership on this issue. I would like to add that from the beginning of my involvement on this issue in 1998, I have sought to help Senator MACK provide a mechanism which would not only help current victims, but also set in place a procedure to ensure future victims will be able to attain justice, provided blocked assets are held in the U.S. I would therefore first like to associate myself with the interpretation of the waiver as expressed by Senators LAUTENBERG and MACK. I do not appreciate seeing laws in effect vetoed through a waiver authority interpreted overly broadly. Indeed, the waiver used in this language should be exercised on a case-by-case basis only.

Second, I would also like to point out the precedent being set and the reaffirmation of authority. The administration assures us via a private letter that the judgment creditors already holding final judgment will be paid their compensatory awards within 60 days of the enactment of this act. The administration will do so using executive authority to vest and pay from blocked assets. In addition, the Congress statutorily reaffirms the President's authority to vest and pay from blocked assets in the future to help future victims of terrorism. Let me state very clearly that there is no way, based upon the procedure now in place, that future victims will be forced to suffer the prolonged battle with their government that these first victims were forced to bear. I am pleased with the justice being delivered today; but I am especially pleased by the process in place to help any future victims. Hopefully, with this process, the deterrent capability of this law will become more powerful.

Mrs. FEINSTEIN. I am pleased have worked with Senators LAUTENBERG, MACK, and KYL in getting this legislation to this point. The national security interest waiver should be used only when there is a specific national security interest greater than the interest in taking effective action to combat terrorism against American citizens; and it should be exercised on a case-by-case basis. The judiciary Committee never intended to divide victims, helping some and not others. We must ensure that all American victims of terrorism able to successfully hold foreign states responsible to the satisfaction of U.S. courts are treated fairly and aided by this and future administrations to collect their damages.

Mr. HELMS. I congratulate Senators MACK, KYL, LAUTENBERG, and FEINSTEIN, for their fine work on getting this anti-terrorism legislation through the Congress and passed. I would like to point out the conferees agree with the comments mentioned by my colleagues and this has been so stated in the conference report to accompany this bill.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 11, 1999:

Clifton Aaron, 21, Kansas City, MO; Daniel Bennett, 23, Washington, DC; Larry Clark, 51, Atlanta, GA; Mico Curtis, 28, Atlanta, GA; Thomas Spivey, 22, Nashville, TN; Arthur Strickland, 28, Gary, IN; Kristian Sullivan, 25, Detroit, MI; Lloyd Whitfield, 28, Detroit, MI; and Arshon Young, 19, Miami-Dade County, FL.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

RESTORING THE EVERGLADES, AN AMERICAN LEGACY ACT

Mr. L. CHAFEE. Mr. President, when the Senate passed the Water Resources Development Act of 2000 (WRDA) on September 25th, a landmark piece of legislation was attached to the bill. This legislation—S. 2797, Restoring the Everglades, an American Legacy Act—was introduced by Senators SMITH, BAUCUS, VOINOVICH, GRAHAM and MACK earlier this summer to restore the natural ecosystem of the Florida Everglades.

Historically, the Florida Everglades system consisted of a natural flow of 1.7 billion gallons of fresh water draining into the Gulf of Mexico and the Atlantic Ocean on a daily basis. Beginning in 1948, the system has been adversely impacted by a series of Federal flood control projects authorized by Congress to redirect water flows throughout the Everglades. Over a half-century of Army Corps of Engineers' water infrastructure projects, consisting of a series of levees and canals, have severely damaged the Everglades system. This substantial diversion of water resulting from the infrastructure construction, coupled with increased development in the area, threaten the overall environmental health and sustainability of the Everglades National Park. In 1992 and 1996, Congress directed the Army Corps of Engineers to conduct a ''Restudy'' of the existing system and recommend changes to improve the current state of the Everglades. The results of the restudy and recommendations for restoring the system are incorporated into the ''Comprehensive Everglades Restoration Plan''.

S. 2797 implements the Everglades Restoration Plan. The bill was approved by a bi-partisan majority of members of the Senate Committee on Environment and Public Works and is strongly supported by the Administration and the State of Florida. Restoring the Everglades, an American Legacy Act is a $7.8 billion dollar package that includes a broad framework for repairing the system's fragile ecosystem. Additionally, the bill creates a new and significant partnership between the Federal Government and the State of Florida. S. 2797 includes cost share provisions establishing a 50:50 Federal to non-Federal cost share requirement and providing that operation and maintenance costs will also be split in half between the Federal and non-Federal sponsors. Most importantly, the bill balances the benefits to the natural system, while providing for water supply and flood protection needs.

I thank the Committee for moving forward with this important legislation. I would particularly like to thank Chairman BOB SMITH for his leadership on restoring the Everglades and for crafting legislation that will ensure the future preservation of this national treasure.

COUNTY PAYMENTS BILL, H.R. 2389

Mrs. BOXER. Mr. President, on Friday the Senate passed H.R. 2389, the ''Secure Rural Schools and Community Self-Determination Act of 1999.'' I have paid close attention to the bill because it has significant implications for the State of California. H.R. 2389 is important to my State because it provides substantial and desperately-needed revenue to rural counties to be used for schools, roads, and other beneficial purposes. The bill also, however, creates unprecedented opportunities for

local stakeholders to play a role in decision-making on Federal lands. It is this latter feature of the bill that has the potential to have a negative impact on the health of our forests.

I am deeply disappointed at the version of the bill that was just passed. For months I worked closely with my Senate colleagues to negotiate a compromise proposal that included safeguards to help ensure that the bill would not lead to increased exploitation of our federal timber resources. This earlier version of the bill (S. 1608), which passed the Senate by unanimous consent, benefitted greatly from changes that clarified the appropriate role of local communities in Federal land management decisions and directed local projects funded under this bill towards environmentally beneficial activities rather than commodity production. Unfortunately, many improvements that I fought for in the Senate-passed bill have either been discarded or weakened in H.R. 2389.

I pledge to monitor closely implementation of this Act to see if it results in local projects that involve unsustainable logging, salvage, and other types of environmentally damaging activities. I hope this does not materialize, but if it does, I will seek to make improvements to the Act.

DEATH OF E.S. JOHNNY WALKER

Mr. BINGAMAN. Mr. President, I rise to advise Members of the Senate that New Mexico lost a very distinguished citizen and a good friend with the death of E.S. Johnny Walker on Sunday at the age of 89. His life of public service began with 4 years in the Army in World War II. Subsequently, it included two terms in our State legislature in the House of Representatives in Santa Fe, followed by service as commissioner of our public lands in New Mexico and commissioner of the bureau of revenue. He was elected to the U.S. House of Representatives in 1964 and served two terms here in Washington representing New Mexico in the House of Representatives.

Johnny is survived by his wife Polly, to whom he was married for 63 years; also by their two children, Mike Walker and Janet Walker Steele; also by grandchildren and great-grandchildren, colleagues, and, of course, many friends. I am proud to say that his friends included my family and, of course, me. We have known the Walkers for decades.

I fondly recall his friendship with my parents and with my uncle, John Bingaman, during the time when I was growing up in Silver City. He was a ''man of the people'' in the very best sense of that phrase. He worked very hard for the interest of the people of New Mexico, and he will be remembered warmly in our State for his humanity and for his great service.

RURAL TELECOMMUNICATIONS POLICY

Mr. GRAMS. Mr. President, I rise today to express my views toward Federal implementation of the 1996 Telecommunications Act and my support for a strong national rural telecommunications policy.

One of the most important responsibilities of a United States Senator is to exercise appropriate oversight of Federal regulatory agencies to ensure sound policy and the wisest use of taxpayers dollars. Toward this end, I have carefully monitored the Federal Communications Commission's implementation of the 1996 Telecommunications Act in an attempt to ensure that this agency follows the intent of Congress in developing a strong national rural telecommunications policy.

I am proud to have supported the historic 1996 Telecommunications Act which deregulated the telecommunications industry for the first time in 62 years. I believe this Act has begun to reach its promise of a competitive marketplace, lower prices, and greater consumer choice in services for every American. Since its passage, the telecommunications industry has grown dramatically, creating 230,000 more jobs nationwide, generating an additional $57 billion in revenues, and fostering an environment in which billions of dollars has been invested in telecommunications infrastructure. Despite this promising news, I am very concerned that the FCC's implementation of the Act has stifled the expansion of some of these benefits into rural parts of Minnesota.

As a former small businessman, I often hear about the regulatory burdens experienced by my state's entrepreneurs and businesses. As someone who spent 23 years in the broadcasting industry, I also understand their frustration with the far-reaching regulatory authority of the Federal Communications Commission. It has become very clear to me that the administrative and regulatory burdens imposed upon small telecommunications providers reflect the Commission's neglect for the unique needs of rural telecommunications companies and their need for fairer regulatory treatment.

The concerns of rural telecommunications companies are underscored in a letter sent to me by Farmers Mutual Telephone Company General Manager Robert Hoffman, who wrote, ''My concern with the FCC is all the additional filings and requirements they are placing on small telephone companies. A couple of years ago we didn't have any filings with the FCC. Now we have about ten annual filings which are confusing and labor intensive, and thus expensive for companies of our size. The FCC has no sympathy for small rural telecommunications companies.''

As my colleagues know, this de-regulatory law has been the subject of litigation from the moment it was enacted due to what many perceive to be the FCC's over-regulatory approach to its implementation. Far too often, the Commission's rules have gone beyond Congressional intent. In particular, I am disappointed by the Commission's implementation of sections of the Act which are intended to preserve universal service assistance and the deployment of advanced telecommunications services. I am sure that my colleagues would agree that universal service assistance is the cornerstone of an effective rural telecommunications policy.

In implementing the 1996 Act, the Commission has thus far failed to adhere to the important universal service principles established by Congress under this law. The Act specifically required the joint board on universal service and the FCC to base their universal service policies upon the following principles: the ability of quality services to be provided at just, reasonable and affordable rates; that all regions of the country should have access to advanced telecommunications services; that telecommunications services should be comparable to services in urban areas; and that universal service should be supported by specific and predictable funding mechanisms. Congress should clearly do more to hold the Commission's feet to the fire to ensure that there is proper implementation of universal service support.

I have worked hard in Congress to ensure that the decades-long policy of universal service is preserved and advanced and that there are adequate revenues to maintain rural networks. Earlier this Congress, I wrote to FCC Chairman Kennard to express my opposition to any proposal which would transfer authority over the Universal Service Fund to the Department of Treasury. I believe that such an approach would undermine universal service policy and could have an adverse impact upon small telephone carriers and the communities they serve. More importantly, this plan would place the Universal Service Fund at great risk of manipulation by the federal government and the excessive spending habits of Members of Congress. I am pleased that the Administration has finally agreed that is not ''public money'' and has withdrawn this ill-advised plan.

I also believe that the Rural Utilities Service telephone loan program is vital to the development of a strong rural telecommunications infrastructure, and an essential component of our national commitment to universal service. I have repeatedly written the Senate Appropriations Committee to urge funding for the Rural Utilities Service telephone loan program. I firmly believe that RUS telephone loans have helped to improve telephone service in rural and high cost areas. Through RUS financing, telephone borrowers have made significant improvements to telecommunications services throughout rural Minnesota.

My oversight of the FCC has also included efforts to make it easier for

rural telecommunications carriers to meet the requirements of the Communications Assistance for Law Enforcement Act, or CALEA. In meeting with small telephone carriers from Minnesota earlier this year, I learned about the difficulty many carriers face in meeting the June 30, 2000 CALEA compliance date. I agree that the FCC should grant a blanket extension of the compliance date so that rural carriers will not face a $10,000 penalty for each day that they were not in compliance with CALEA.

For these reasons, I was pleased to join this past April with twenty-five of my Senate colleagues in a writing the Commission to urge that it extend the June 30, 2000 CALEA compliance date for software upgrades by small carriers by one year. I regret that the Commission has a different interpretation of the needs of rural carriers in meeting this compliance date. I expect that the Commission's new process by which individual carriers could petition for and receive extensions to comply with CALEA has been time consuming and burdensome for small telephone carriers. I would be supportive of legislative action to address problems with CALEA compliance.

During this Congress, I have also worked with the Minnesota Association for Rural Telecommunications and the Minnesota Telephone Association to encourage local phone competition in Minnesota by urging the Commission to address the petition filed by the State of Minnesota in 1997 on whether its ''Connecting Minnesota'' proposal between the state and a private company was consistent with the rights-of-way criteria established through Section 253 of the Act. Not surprisingly, it took the Commission nearly two years to analyze and rule upon the State of Minnesota petition. Rural consumers may witness additional entrants into local television markets following the Federal Communications Commission's decision to deny the petition.

Bringing technology to rural areas has always been a top priority for me. As a member of the Congressional Internet Caucus, I have supported policies to address the growing concern in Minnesota about the ''digital divide'' and access to the Internet. High-speed Internet access is a key to improved economic development in rural communities and important to Minnesota's farmers, schools, small businesses, and hospitals. For these reasons, I strongly disagree with the Commission's interpretation of section 706 of the Act which requires the agency to encourage the deployment of high-speed Internet access and other advanced communications services to rural Minnesota. In my view, inaction by the FCC in removing barriers to the deployment of advanced telecommunications services can be overcome through the enactment of incremental proposals that complement marketplace solutions.

More specifically, I am proud to be a cosponsor of the ''Universal Service Support Act'' introduced by Senator CONRAD BURNS and endorsed by the National Telephone Cooperative Association. This legislation will lift the regulatory caps imposed upon the Universal Service Fund that limit the amount of support that can be directed to rural telephone companies that serve high-cost areas of our state. These regulatory caps are inconsistent with the de-regulatory framework established by the 1996 Act and an unnecessary barrier to allowing further the further deployment of advanced telecommunications services in rural communities.

I believe that we can also prevent rural communities from becoming technology ''have nots'' through repeal of the federal telephone excise tax. The 3 percent telephone excise tax was first established to fund the Spanish-American War of 1898 but has since become an obstacle to community investment in technology. I am proud to be a cosponsor of legislation to repeal this ''Tax on Talking'' and save taxpayers billions annually.

There is no single solution to closing the digital divide and I also support S. 2572, the ''Facilitating Access to Speedy Transmission for Networks, E-commerce and Telecommunications Act,'' also known as the ''FASTNET Act.'' This legislation will relieve mid-size telephone companies of excessive reporting requirements that are a barrier to additional company investment in Internet services that would serve rural communities. This legislation was passed unanimously by the House of Representatives and I hope that it will be considered by the Senate soon. Congress should also consider proposals that will authorize the Rural Utilities Service to provide low-interest loans to companies that are deploying broadband technology, as well as legislation that will analyze the feasibility of allowing low power television stations to provide data services to rural areas.

As we embark on the 21st Century, it is vital that Minnesota's high-tech businesses serving rural areas are not left behind in our new e-commerce economy. During this session of Congress, I was an early and strong supporter of the enactment of ''E-SIGN,'' electronic signature legislation that will facilitate the growth of electronic commerce into rural Minnesota. This new law grants legal effect to electronic online electronic signatures that will enhance the ability of rural companies to complete business transactions and compete in our emerging digital economy. Rather than spend precious time and resources completing paper transactions, the E-SIGN Act will also allow consumers to pay bills, trade securities, and shop online for a home mortgage and complete the deal by striking a few keys on their computer.

Finally, I am proud to have worked with my colleagues on the Senate Banking Committee to pass the ''Launching Our Communities Access to Local Television Act of 2000.'' The LOCAL TV Act would establish a $1.25 billion loan guarantee program to facilitate access to local television programming in rural Minnesota communities. I am very pleased that the Senate unanimously passed my amendment that will ensure that the National Cooperative Finance Cooperation is considered an eligible lender under the proposed loan guarantee program. The CFC is among several private sector lenders which have substantial experience providing multi-million loans in a cooperative environment and which have a track record of projects of this size in rural areas. I am confident that this legislation will be signed into law later this month.

I am proud to have worked with consumers and Minnesota's rural telecommunications companies on these issues and other initiatives that will help our state and country to develop a strong rural telecommunications policy.

THE YUGOSLAVIAN ELECTIONS

Ms. LANDRIEU. Mr. President, ten years ago this October, a wall came down in Eastern Europe which marked a renaissance for democracy in that region of the world. I believe we all remember the dramatic pictures from Berlin, with crowds in celebration, and Beethoven's ''Ode to Joy'' booming in the background. On the 10th Anniversary of that celebration, I believe we have seen that promise of democracy spread to one of the last tyrannies in Europe. Last Thursday, we bore witness to similarly dramatic images of the Serbian people united in the cause of freedom.

Earlier in the week, I think we all realized something dramatic had happened in Serbia. I joined with my friend and colleague, the junior Senator from Ohio to introduce a resolution commending the People of Yugoslavia for the brave step they took in their elections. It showed the kind of courage that a people must demonstrate if they are truly determined to establish the rule of law and the rule of the people.

We woke up to the wonderful news that the whole world acknowledges the new Yugoslav President, Vojislav Kostunica. As in the Phillipines, Indonesia, Romania and even our nation, the will of an aroused people, determined to secure their freedom, proved irresistible. We will not soon forget the sight of ordinary men and women storming the Yugoslav parliament—the people's house—to restore that symbol of democracy to its rightful owners.

While we congratulate and appreciate these dramatic developments in Serbia, it is important to reflect a little on our own democracy. This Presidential election marks the 54th time in our nation's history that executive power will change hands peacefully, and according

to the will of the people. In many respects, the amazing success of our industry, our science and even our military might all rests on this simple fact. Without a foundation of freedom, Americans could never have achieved the boundless success we have known. We owe a great debt to men and women who founded our nation for their foresight and their sacrifice.

The Balkans are a land of tragic history. It provided the spark for the First World War, and has been in turmoil ever since. I am reminded that on the eve of the start of World War I, the British Foreign Minister looked out his window upon a worker putting out the street lights, and remarked:

The lamps are going out all over Europe; we shall not see them lit again in our lifetime.

For the first time in a very long time, the lamps of European freedom are lit across the entire continent. It is a vindication of the sacrifice of two generations of Americans who risked their lives in war. It is a vindication of this nation's principles, and most of all, it is a vindication of the aspirations of the Yugoslavian people. I hope that this body, when we return next year, will act quickly and generously to welcome Serbia back to the community of nations. I also hope that we will take all necessary steps to secure a lasting peace in the Balkans. I believe it is important that we place a particular focus on the children of this region. Like so many other conflicts, the wounds of the Balkans will take time to heal. Our best hope for that healing comes from the children. I look forward to working with my colleagues so that our best hopes might be realized.

AMERICAN CANCER SOCIETY'S POSITION ON THE PAIN RELIEF PROMOTION ACT

Mr. WYDEN. Mr. President, on October 4, 2000, I did not correctly state the American Cancer Society's position on S. 1272, when I stated that they ''. . . strongly opposed . . . the Pain Relief Promotion Act.'' Their actual position, taken directly from their recent statement on the legislation, is as follows:

. . . The American Cancer Society appreciates the commitment shown by the sponsors of the legislation to address these issues, but unfortunately is unable to support this legislation as written . . . Careful analysis of the House-passed measure and a substitute version of the Senate bill . . . have serious potential to exacerbate the current problem of under treatment of pain. While there are provisions to proactively address pain and symptom management, the Society maintains that any benefit from such provisions would not outweigh the potential threat posed by the changes to CSA. Furthermore, neither section of the bill comprehensively addresses the needs of providers, patients, and families for ongoing support and education to counter the current problem of under-treatment of pain—a problem that often leads to requests for physician-assisted suicide . . . Under the Act, all physicians and particularly physicians who care for those with terminal illnesses will be made especially vulnerable to having their pain and symptom management treatment decisions questioned by law enforcement officials not qualified to judge medical decision-making. This can result in unnecessary investigation, and further disincentives to aggressively treat pain.

Unfortunately, 'intent' cannot be easily determined, particularly in the area of medicine where effective dosage levels for patients may deviate significantly from the norm. The question of deciding intent should remain in the hands of those properly trained to make such decisions—the medical community and state medical boards. The Pain Relief Promotion Act seeks to hold harmless any physician who treats a patient's pain even if death occurs, and the measure attempts to create a 'safe harbor' provision in an effort to shield physicians whose use of federally-controlled drugs unintentionally hasten or cause death. However, this provision does not change the fact that the DEA would now explicitly be charged with overseeing the medical use of controlled substances, resulting in a negative impact on cancer pain treatment. . .

The American Cancer Society statement concluded with the following observation:

The American Cancer Society has engaged in a deliberative process to evaluate the impact of the Pain Relief Promotion Act on our Quality of Life goals for all people living with cancer. Its analysis included a review of existing Society policies on pain and symptom management and opposition to physician assisted suicide. We have concluded that as written, the Pain Relief Promotion Act would ban the use of federally controlled substances for physician-assisted suicide at the expense of controlling pain and advancing symptom management. These issues are both critically important, but are separate issues. While the Society strongly opposes all patient deaths stemming from assisted suicides, we must give heavier weight to the more than 1500 individuals who die of cancer every day in this country—more than half of whom die in pain unnecessarily. Moreover, the American Cancer Society believes that the best approach to help cancer patients and reduce and prevent assisted suicide is through the adoption of proactive policies and the provision of resources to prevent and ameliorate pain and suffering in people with cancer, especially for those at the end-of-life.

I appreciate this opportunity to clarify the position of the American Cancer Society on S. 1272.

THE WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000.

Mr. CRAIG. Mr. President, I rise today in support of the Environment and Public Works Committee's substitute to H.R. 3671, the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000.

Chairman YOUNG and others did a tremendous amount of investigative and legislative work to get us to this point, and I want to thank them for all of their efforts. Their original bill passed the House with tremendous bipartisan approval, garnering just two ''no'' votes.

Senator CRAPO and I took the House bill and strengthened it by providing a sensible level for grants for projects that affect more than one state and strengthening the provision to ensure states use a reasonable portion of the Pittman-Robertson money to provide hunter education programs. It was introduced as S. 2609 and garnered 14 cosponsors.

Senators SMITH, CRAPO, BAUCUS, and BOXER worked hard on Senate legislation that everyone can agree on. I appreciate their dedication to that work, and we have produced an excellent product that will bring accountability to a program that represents one-third of the U.S. Fish and Wildlife Service's budget, ensure the hunting and fishing community that the money they pay in excise taxes is being used for its intended purpose, and that the Pittman-Robertson and Dingell-Johnson programs will continue to be this nation's premier wildlife and fisheries conservation programs.

I encourage all of my colleagues to support this substitute, and I encourage the President of the United States to sign this important piece of legislation.

ADDITIONAL STATEMENTS

KANSAN OLYMPIANS

● Mr. BROWNBACK. Mr. President, I rise today to recognize the athletes from Kansas who participated in the 2000 Olympic Games in Sydney, Australia. Each of these athletes contributed in his or her own way to the success of the American Team. It is my pleasure to recognize the following athletes from Kansas for their efforts in the Olympic Games: Maurice Greene, Nathan Leeper, Passion Richardson, Christie Ambrosi, Sarah Noriega, Tara Nott, and Melvin Douglas.

Each of these athletes deserves to be commended on their perseverance and dedication to their respective sports. The devotion of these athletes has been rewarded with the opportunity to represent the United States as Olympic Athletes. Not only have these athletes represented America, but they have also made the citizens of their home State of Kansas proud.

The spirit of these athletes is encouraging and is to be applauded. America's team could not have finished on top without the help of these special Kansans. Every four years the world comes together in this ultimate show of athleticism. These Kansan athletes will be forever a part of this honorable tradition. It gives me great pleasure to recognize the accomplishments of these athletes.

Maurice Greene maintained his role as the fastest man on Earth by winning the Men's 100 meter race. He also helped the 4x100 relay team run their way to another gold medal for the American Team.

Nathan Leeper rose to high aspirations in the high jump competition. After leaving the sport for a short time, Nathan made the ultimate comeback as a member of this Olympic Team.

Passion Richardson helped the women's 4x100m Relay team run their way out of the rounds into the finals. this competition was Passion's Olympic debut and her participation in this event is the epitome of teamwork and dedication.

Christie Ambrosi helped the women's softball team grab the gold medal for America. Her hard work as an outfielder and strong hitting skills brought the team home with gold medals along with their gloves.

As a member of the Women's volleyball team, Sarah Noriega rose beyond the expectations. Sarah helped launch the team into the medal round, proving that the team has a great future ahead.

Tara Nott made Olympic history as the first woman to go home with gold from a Women's Olympic Weightlifting competition. Christie had no problem carrying her gold medal home to Kansas.

Melvin Douglas is no stranger to the Olympic games, as the Sydney competition as his second Olympic appearance. His perseverance in the sport has proven that great athletes can come at any age.

Again, Mr. President, I congratulate these Kansas Athletes on their outstanding accomplishments. All of these athletes have made Kansas and United States of America very proud.●

RECOGNITION OF CLIFFORD PIERCE MIDDLE SCHOOL IN MERRILLVILLE, INDIANA, WINNER OF THE PRESTIGIOUS BLUE RIBBON SCHOOLS AWARD

● Mr. BAYH. Mr. President, I rise proudly today to congratulate Clifford Pierce Middle School in Merrillville, Indiana for its selection by the U.S. Secretary of Education as one of the nation's outstanding Blue Ribbon Schools. Clifford Pierce Middle School is one of only two Indiana schools, and one of only 198 schools across the country, to be awarded this prestigious recognition.

In order to be recognized as a Blue Ribbon School, Clifford Pierce Middle School met rigorous criteria for overall excellence. The teachers and administration officials demonstrated to the Secretary of Education the qualities necessary to prepare successfully our young people for the challenges of the new century, and proved that the students at Clifford Pierce Middle School effectively met local, state and national goals.

Hoosiers can be very proud of our Blue Ribbon schools. The students and faculty of Clifford Pierce Middle School have shown a consistent commitment to academic excellence and community leadership. Clifford Pierce Middle School has raised the bar for educating our children and for nurturing strong values. This Hoosier school provides a clear example as we work to improve the quality of education in Indiana and across the Nation.●

HONORING A COLUMBINE HERO, BOY SCOUT EVAN TODD

● Mr. ALLARD. Mr. President, I rise today to share with my colleagues a pair of statements I recently received from an exceptional young man in Colorado, Mr. Evan Todd of Littleton. Evan was one of the many unfortunate victims of the horrific shooting that took place at Columbine High School on April 20, 1999. Evan was the first student shot in the library at Columbine High School, and despite his injuries he assisted other students and administered first aid to a seriously wounded peer until emergency services could arrive. Evan, an active Boy Scout, was awarded the prestigious Boy Scouts of America Honor Medal for his inspiring actions. Still a Columbine student, Evan has dedicated a tremendous amount of time to speaking to other students and adults around the nation concerning the problems of youth violence and the cultural influences on American youth. I am honored that Evan took the time to write to me and I ask that a copy of Evan Todd's letter to his fellow Scouts and a copy of a speech he delivered at ''The Gathering,'' a meeting of victims of school violence, be printed in the RECORD.

LITTLETON, CO.

DEAR FELLOW SCOUTS: I have been told that into each life some rain must fall. Some get rained on more than others. The rain that came down on us at Columbine High School was a cloudburst of epic proportions. This act was senseless, tragic and without justification, whatsoever. 13 murdered 25 wounded and 1,951 students youth destroyed. As a student who was shot and wounded in the library, it has changed my life, forever.

I believe that the children of a society are nothing more than the reflection of the society that they are brought into. The event here at Columbine in Littleton Colorado, and the events at Moses Lake Washington, Pearl Mississippi, Jonesboro Arkansas, Edinboro Pennsylvania, Fayetteville Tennessee, Springfield Oregon, Richmond Virginia, Conyers Georgia, Los Angeles California and elsewhere indicate to me that our nation has a serious character flaw. Since the Columbine tragedy, I have tried to stay abreast of the ''adult society'' debate as to the ''why'' and ''how'' of these terrible incidents. The adults debate and argue over what constitutes good and what constitutes evil; what is right and what is wrong. At the time of the Columbine tragedy, our national leader, the President, stated the youth of this nation need to learn to resolve our differences with words, not weapons. At the time this statement was made, we as a nation, were bombing Yugoslavia. They tell us that the youth of this nation need to be more tolerant, kinder, gentler, more understanding. Yet our entertainment, music, TV, movies, games (and actions of) the adult world provides for our consumption are all too often filled with violence, sex, death and destruction. If we were to take into our lives what is provided to us by our society, our actions would also violate the Scout Oath & Law. Other solutions to school violence have been nametags to be carried around our neck as millstones, metal detectors, increased video surveillance, etc. Our nation has always had guns. Our nation has always had children. What our nation hasn't always had is children murdering children and their parents, and parents murdering their children. The ingregient that has made America different is the last couple of 'adult generations', and their changes towards what is right & wrong, good & evil. It appears to me that our society is confused. The adult world seems as a ship with no rudder being cast around by the wind and storms of our times, with no control or understanding as to why. Many of these storms appear to have been caused by their own accord. It's as if our adult society has no compass, no bearing, no standards for our society. I have found them confused. Even at our age, we can discern the difference between what you say and what you do . . .

In regard to the solution of watching what comes out of us by monitoring closely our world with surveillance cameras, what we say, how we look, etc., our society needs to watch carefully what goes into us. In my room is a picture of the Grand Teton mountain range in Wyoming. Below the picture is the following:

THE ESSENCE OF DESTINY

''Watch your thoughts, for they become words. Choose your words, for they become actions. Understand your actions, for they become habits. Study your habits, for they will become your character. Develop your character, for it becomes your destiny.''

The good news for those of us that are Scouts is that we are privileged to be a part of an organization that provides us the tools and instructions to put into us that which builds a better person, a better nation. Those tools are called the Scout Oath and Scout Law. Robert Gates, former Director of the U.S. Central Intelligence Agency (CIA) and our current President of the National Eagle Scout Association (NESA) recently stated that there is a war going on for the souls of our boys and young men in this nation. He sees clearly. If you are to be a scout, don't be a scout in word only. Learn and practice the Oath & Law in everything you think, say and do. I understand well how hard that can be, but ''Do Your Best.'' To the Boy Scouts of America, thank you for defending our 90-year record and not allowing the Oath & Law to be redefined. As you say, it has stood the test of time. The generation that wants to change the Oath & Law has not stood the test of time. To all the scouts across America that sent me & my troop cards, letters, posters, your thoughts and prayers, thank you from the bottom of my heart. To you here tonight, I bid you vaya con Dios mi amigos, God Bless you and God Bless the work you do.

Thank You.

EVAN TODD,
Eagle Scout Troop 989.●

REMARKS BY EVAN TODD AT ''THE GATHERING''

I have been told that into each life some rain must fall. Some get rained on more than others. The rain that came down on us at Columbine and at Moses Lake Washington, Pearl Mississippi, Jonesboro Arkansas, Edinboro Pennsylvania, Fayetteville Tennessee, Springfield Oregon, Richmond Virginia, Conyers Georgia, Los Angeles California and elsewhere were cloudbursts of epic proportions. All of these acts were senseless, tragic and without justification, whatsoever. As a student who was shot and wounded in the library at Columbine, who was literally trapped while 10 of my classmates were murdered, 4 of them my friends and 16 more of us were wounded, crippled, disfigured and paralyzed, it has changed my life, forever.

I believe that the children of a society are nothing more than the reflection of the society that they are brought into. These events indicate to me that America has a serious

character flaw. Since the Columbine tragedy, I have tried to stay abreast of the ''adult society'' debate as to the ''why'' of these terrible incidents. The adults debate and argue over what constitutes good, . . . and what constitutes evil; what is right and what is wrong. Our nation has always had guns. Our nation has always had children. I believe what our nation hasn't had—is children murdering children—and their parents, . . . and parents murdering their children. The ingredient that has made American different is the last couple of ''adult generations'' of Americans, and their changes towards what is right & wrong, good & evil. Is God now sending forth demons to America in the form of its children, or have the demons occupied our adult society, by invitation? How are we as kids treated differently than the kids before us? As a generation, we are unique. We have been slaughtered on our way into this world, we are murdered as we live and try to grow in this world, and we are molested, assaulted, sexualized and drugged. The adult society has responded by creating entire new industries and professions to repair their damage to us. Even as I speak to you our adult society is setting the stage to murder us when we become old. We are even taught that we evolved from slime. (An interesting item that the public is not fully aware of is that the two cold-blooded murderers in Littleton used the theory of evolution as their foundation, ''Survival Of The Fittest.'' You've all heard of their uniforms, the black trenchcoats, but the real uniform that day was the T-shirt Eric Harris had on that said ''NATURAL SELECTION'' Has our adult society banned that?) It appears to me that we have willingly become a culture of death and violence. Some adults blame the jocks like me, the cheerleaders and others, . . . even the trenchcoats, . . . and some even say if our country only offered 9 round ammo clips instead of 10 or more, things would be better.

At the time of the Columbine tragedy, our national leader, the President, stated the youth of this nation need to learn to resolve our differences with words, not weapons. At the time this statement was made, we as a nation, were bombing Yugoslavia. They tell us that the youth of this nation need to be more tolerant, kinder, gentler, more understanding. Yet our entertainment, music, TV, movies, games (and actions of) the adult world provides for our consumption are all too often filled with violence, sex, death and destruction. If I were to take into my life what is provided to me by society, my actions too would violate the Heavenly & Moral Laws my family have taught me. Other solutions to school violence have been nametags to be carried around our neck as millstones, metal detectors, increased video surveillance, etc. It appears to me that our society is confused. The adult world seems as a ship with no rudder being cast around by the wind and storms of our times, with no control or understanding as to why. Many of these storms appear to have been caused by their own accord. It's as if our adult society has no compass, no bearing, no standards for our society. Even at our age, we can discern the difference between what you say and what you do. . . .

In regard to the solution of watching what comes out of us by monitoring closely our world with surveillance cameras, what we say, how we look, etc., our society needs to watch carefully what goes into us. In my bedroom is a picture of the Grand Teton mountain range in Wyoming. Below the picture is the following:

THE ESSENCE OF DESTINY

''Watch your thoughts, for they become words. Choose your words, for they become actions. Understand your actions, for they become habits. Study your habits, for they will become your character. Develop your character, for it becomes your destiny.''

Even before Columbine, my father told me that when a society opens the gates of hell for the pursuit of its' happiness, for its' pleasures and for its' economy, the devil will come out and have his dance with us. We here today were the unfortunate ones who had to dance.

I believe I have found the problem within America. Each and every citizen can too. All they have to do is look into the mirror every day to find the demon. They can also find the solution in that same mirror. Ask yourself daily, ''what am I thinking, saying and doing in my life to call out the demons on the youth of my nation?'' In the final analysis, a nation is judged on how it treats its' young and its' old. Until we return to respecting life as sacred, prepare yourself for more dances, more heartbreak, more death, and more destruction. It also would be wise to look into the future of America. It's not that hard. The character a nation instills into its youth today, will be the destiny of our nation tomorrow.●

TRIBUTE TO TIM JOHNSON

● Mr. LEAHY. Mr. President, today I rise to tell you about a man I have known for many years now who is a credit to his profession and to his community. He is a consummate professional and an even finer human being. Tim Johnson has been bringing the news to Brattleboro, VT and beyond for more than 20 years now. It is clear that Vermonters know a good thing when they hear it.

Tim, now the news director at WTSA, is a Brattleboro institution. In these times of huge media conglomerates and syndicated radio programs, Tim Johnson knows Brattleboro—he is a graduate of Brattleboro Union High School—and residents have come to rely on him for the news they care about. Time, on a typical day, will report on everything from lost pets, to school closings and national affairs. As Vermont's Senator for more than 20 years, I have had the pleasure of working with Tim throughout the years and I have come to appreciate his keen insights and his dogged pursuit of the facts. Tim has demonstrated an unflagging commitment to keeping his community informed and Brattleboro has been the better for it. While we hear so much about what is wrong with the media today, Tim Johnson is a shining example of what is right.

I ask to have printed in the RECORD a profile of Tim Johnson from The Times Argus, dated October 1, 2000.

The article follows:

[From the Sunday Rutland Herald, Oct. 1, 2000]

TIM JOHNSON: RADIO JOURNALIST KEEPS AN EAR ON BRATTLEBORO

(By Susan Smallheer)

BRATTLEBORO.—The studios of WTSA in Brattleboro are on the second floor of an old Victorian home on Western Avenue. It's Tim Johnson's home away from home, sometimes for as long as 18 hours a day. He's even slept on a pull-out futon at the station.

When he's home, though, he's in bed by 10 p.m.—unless there's a close Red Sox game—and up by 4 a.m., and at the station before 5 to prepare for the morning newscast.

Johnson is the news director of Brattleboro's dominant radio station, WTSA-AM and FM. He works exhausting hours, both locked in the studio and then out on the streets getting the news.

This is a radio newsman who gets a tan. (Well, a little tan.)

Johnson, 43, has been on the air since he was a teenager at Brattleboro Union High School, working at WTSA's cross-town competition, WKVT. He was 17 and making $1.60 an hour when he started working weekend shifts at the station, and gradually left behind disc jockey chores for the newsroom.

Johnson is a self-taught radio expert who never went to college, whose first broadcast challenge was to overcome a stutter. Friends say he overcame it by simple determination. ''The first word I stumbled over was Episcopal,'' he said. ''I mispronounced it three times.''

His own name, Arsenault, and the problems he has pronouncing it, helped persuade him to choose something simpler for on-air.

Johnson has been chasing the news in southern Vermont for more than 20 years. No Rolodex for him. He has a memory for telephone numbers, perhaps a 1,000 or more. He goes to house fires, car accidents, board meetings, governor's appearances and homecoming football games.

''It's the personal pride of putting a good product out there,'' said Johnson, who puts the emphasis on community.

''We're one of the few radio stations that still do lost dog announcements,'' said Johnson, who fields telephone calls on such topics ''Is there softball tonight?'' and ''Is there school?'' and ''Is Brattleboro Bowl open tonight?''

He is also the technical wizard at the station, and the 'scanner head.' He taught himself as the station switched to cyber. There is no such thing as a piece of tape in radio now; it's all digital.

The high and mighty came calling at Western Avenue, or rendezvous on the road. His ''Live Mike'' van allows him to get news on the spot and broadcast it first. In the competitive Brattleboro news market, WTSA rules.

''You don't know how many people call me Mike,'' laughs Johnson over soup and salad at the Jolly Butcher, a popular see-and-be-seen restaurant a mile from the station.

With his distinctive deep voice, people instantly recognize Johnson, and his relaxed personality invites conversation, ''You can't brush anybody off; they might think you're a snob and word gets around fast in a town like Brattleboro,'' said Johnson, who seems to enjoy the attention.

At The Jolly Butcher, the jolly chef teases Johnson about the station's recent lobster-eating contest, which raised money for the Winston Prouty Center, a school and day care center for handicapped children. As he leaves, Johnson is hugged by Windham County Side Judge Trish Hain, who once worked for him as an assistant news editor at WKVT. Everybody, it seems, knows him.

He's chairman of the board of directors of BCTV, Brattleboro's heavily watched community television station. He's moderator for his hometown, serving Vernon as a steady hand during marathon town meetings. He's also the Windham County director of the emergency alert system, which accounts for the second of two beepers on his belt. And he recently became the moderator for the Brattleboro Union High School district.

He's also a justice of the peace and Vernon's representative to the Windham Regional Commission.

Johnson relishes the pace, but health problems have forced him to scale back to 55–60

hour work weeks. He's devoting more time now to his wife, family, and three grandchildren, not to mention their dog Loretta. Both he and Sue, the activities programmer at the special needs unit at the Vernon Green Nursing Home, were married before, he said, and family means a great deal to both of them.

Johnson divorced in his 20s, and his only child, 3-year-old son Jeremiah, was murdered 18 years ago in Texas by his ex-wife's drunken half-brother. Johnson says his grief almost destroyed him.

But his renewed interest in his Christian religion has made him forgive his former brother-in-law, who is out of prison after serving most of a 10-year sentence. ''I forgive him. In God's eyes he's forgiven. But do I think he's a nice person? No.

''I don't believe in the death penalty. I'm a death penalty opponent,'' he says.

Religion helps him, he says, deal with his personal tragedy and job stress. And he uses his voice—''I sing tenor''—in the choir of the South Vernon Advent Christian Church, where both his grandfathers were pastors.

Back after lunch, Johnson makes a few calls to get the proverbial sound bite to flesh out a story from the AP about an issue in the governor's race relating to homosexuality and public education.

This afternoon, he will even do double duty, cueing up CDs for a missing DJ, expertly flipping through the playlist, selecting a song to fit the time slot and sliding it into the stacked CD players, all with seconds to go.

He dashes between music and news, cueing up disks and editing the sound bites he garnered from Vernon NEA President Angelo Dorta, all at amazing speed.

He's in his element.●

SUGAR BEETS

● Mr. BURNS. Mr. President, I rise today to bring attention to a disaster facing many Eastern Montanans. As you are aware, Montana has faced wildfires and drought this summer. Another type of disaster has struck the upper Yellowstone Valley. This region grows and processes about one million tons of sugar beets a year. Sugar beets must be harvested before the ground freezes to ensure the quality of the product. On October 4, 2000, temperatures dropped very low and a heavy frost impacted the area. The growers who are under contract to Holly Sugar are now left without a viable crop that, under normal conditions, would bring $40 million to the area. This is the major cash crop for this part of Montana. Without this revenue, futures, jobs, and businesses will be in jeopardy. I bring this important matter to your attention today, so that you will be prepared to assist me in getting the necessary financial help to these producers whose very future may hinge on the help we can provide.●

TO COMMEMORATE THE 150TH ANNIVERSARY OF THE CHAMBER OF COMMERCE OF HAWAII

● Mr. INOUYE. Mr. President, the year 2000 marks an occasion that is worthy of recognition by the Senate. The Chamber of Commerce of Hawaii celebrates its sesquicentennial, marking the 150th anniversary of its first meeting, on October 15, 1850, of a group of Honolulu businessmen at the behest of Hawaii's King Kamehameha III. They founded the Hawaiian Chamber of Commerce, an organization that would lead the Hawaiian Islands' growth in trade, commerce, economic and social development through the years. The Chamber of Commerce of Hawaii is the second-oldest chamber of commerce west of the Rockies, and the only American chamber founded under a monarchy.

The history of The Chamber of Commerce of Hawaii includes many, many accomplishments. I wish to provide a glimpse of their more notable achievements which I believe merit recognition.

In 1867, The Chamber of Commerce of Hawaii initiated negotiations for the first treaty of reciprocity in trade between the United States of America and the Kingdom of Hawaii.

The Chamber of Commerce of Hawaii authored the Hawaiian National Banking Act of 1884, allowing the establishment of the banking system that has evolved into Hawaii's current system.

In 1898, The Chamber of Commerce of Hawaii began its successful advocacy for a Hawaii-San Francisco Trans-Pacific cable.

The Hawaii Visitors Bureau, today known as the Hawaii Visitors and Conventions Bureau, was founded by the Chamber of Commerce of Hawaii in 1903. This agency has led the development of Hawaii's visitor industry, which today is the largest sector of Hawaii's economy.

In 1907, The Chamber of Commerce of Hawaii conducted a survey of the Pearl River to facilitate the construction of a harbor and dry dock that is now Pearl Harbor. The United States Pacific Command today provides a strong, forward based U.S. defense in the Asia-Pacific region from this great harbor.

In 1919, The Chamber of Commerce of Hawaii founded Aloha United Way, Hawaii's leading charitable organization which annually collects millions of dollars for the needy in Hawaii.

The Chamber of Commerce of Hawaii became the trustee of Hawaii's Public Health Fund in 1923. The Public Health Fund provides seed money for approximately 20 public health projects each year.

In 1928, The Chamber of Commerce of Hawaii's aviation committee sought out airlines to provide the first inter-island air service.

In 1929, The Chamber of Commerce of Hawaii drafted a plan to increase the depth of Honolulu Harbor to accommodate modern ships and facilitate international trade. Today, Honolulu Harbor is our primary port of entry for the vast majority of all goods to Hawaii.

In 1941. The Chamber of Commerce of Hawaii founded the Blood Bank of Hawaii. Later that year, the services of the Blood Bank helped to save many lives when Pearl Harbor was attacked on December 7th, 1941.

The Chamber of Commerce of Hawaii was an active and vocal advocate for statehood for Hawaii. In 1959, The Chamber joined other local advocates in celebrating Hawaii's statehood.

In 1978, The Chamber of Commerce of Hawaii played a leading role in Hawaii's State Constitutional Convention.

Throughout its 150-year history, and continuing today, The Chamber of Commerce of Hawaii has helped to support a strong U.S. economic and military presence in the Asia-Pacific region. As the economies of the region grow, The Chamber's continued support for a strong, forward based military presence that provides the stability prerequisite to prosperity will be important. The Chamber's continued work to promote economic development in the region will play a vital role in aiding the goals and interests of Hawaii and the United States in the Asia-Pacific region.

Congratulations to The Chamber of Commerce of Hawaii on its 150th anniversary, and best wishes for continued success in the years ahead.●

TRIBUTE TO EDMUND F. BALL

● Mr. LUGAR. Mr. President, Hoosiers have been remembering and celebrating the remarkable life and achievements of one of our greatest citizens, Edmund F. Ball. I want to share with the nation a most appropriate tribute published in the Muncie Star Press of October 3, 2000 by Phil Ball.

The article follows:

Ed Ball took his last flight Sept. 30. This was an unscheduled flight but with a good pilot who probably let Ed handle the controls for some of the trip.

This was a flight into history—a flight into legend.

Ed died in Ball Memorial Hospital. Just across the street is the Edmund F. Ball Medical Education Center. And a half-mile away stands the Edmund F. Ball Building on the Ball State campus. A mile and a half away in Community Civic Center (once the Masonic Temple) is an assembly room named the Edmund Ball Auditorium. Those are just a few of the monuments to this most important citizen who has ever lived in our hometown of Muncie.

But Ed's life and times and image and achievements and generosities were his most important monuments.

Ed wasn't one to brag. Those who knew him knew his modesty and his tendency toward self-deprecating humor. One of Ed's witticisms was to say that after his life was over, all he had done was ''to cross the street.'' To explain this, he pointed out that he was born on East Washington Street and when he died he would be laid out and prepared for burial at Meeks Mortuary across the other side of East Washington Street.

But in almost 96 years between those two events, Ed accomplished more than any 10 people and became a legend in his own time, although he would be the first to deny any such words of grandiloquence. This hometown of his and mine and yours has been the beneficiary of countless works of his mind and his generosity.

The last time I saw Ed was when he was hospitalized in June 1999 with a minor problem—heart trouble. I am glad that at that

time I did something to boost his morale and help erase one of his lifelong regrets. I made him an honorary member of my Old and Original and Valid Muncie Ball family.

Many people in the past have thought that Ed might be somehow related to me—it isn't really so. Ed's family were frost-bitten immigrants from Buffalo in 1887, whereas my family were already here and cultivating the soil in Delaware County by 1830.

Ed wrote me on June 12, 1999, and said he was pleased that he at long last had finally achieved good genealogic status—even though it was just honorary.

His type of man will not be seen again anytime soon, if ever. He was Muncie's man of the millennium.

Shakespeare said it best when he wrote the last words of Hamlet, the Prince of Denmark, who lay dying. This is what Hamlet said: ''The rest is silence.''●

OPERATION IVORY SOAP

● Mr. SESSIONS. Mr. President, I rise today in tribute to the men and women who participated in a little known covert operation in World War II—Operation Ivory Soap. During World War II, ''island hopping'' was a critical element in the U.S. Pacific strategy. The idea was to capture Japanese held islands of tactical or strategic importance and by-pass any far-flung or inconsequential bases. Once an island was taken it was used as a forward airfield for aircraft returning from long-range missions where they were repaired, rearmed, and made ready for the next vital mission.

General Henry H. ''Hap'' Arnold, Commander of the Army Air Forces, recognized the need for forward-based, mobile air depots to support American bombers and fighters in the Pacific war. General Arnold and a panel of military officers determined the need for converting naval repair ships into hybrid aircraft depot ships. Eventually, six 440-foot-long Liberty ships and 18 smaller 180-foot-long auxiliary vessels would be modified into Aircraft Repair Units, carrying 344 men, and Aircraft Maintenance Units, manned by 48 troops. Everything from the smallest aircraft parts to complete fighter wings were carried on these ships. The repair and maintenance facilities were manned 24-hours a day and the Liberty ships included platforms to land the ''new'' helicopter for quick ship-to-shore repair transport.

The Army Air Force crews that manned these ships had to be trained to understand the nautical aspect of life at sea. Colonel Matthew Thompson of the Army Air Force was given the mission to turn airmen into seamen. Called back from Anzio in Italy, the Colonel had less than two weeks to organize the training program.

The Grand Hotel in Point Clear, AL, was the focal point for ''Operation Ivory Soap'' training. Colonel Thompson contacted the then owner, Mr. Strat White-Spunner, regarding the use of the hotel as his base of operations where he intended to instill basic seamanship, marine and aquatic training in the Army officers and men of the aircraft repair and maintenance units. As a donation to the war effort, Mr. Roberts turned the Grand Hotel and its facilities over to the US Army Air Force to be used as its Maritime Training School. Operation Ivory Soap training began on July 10, 1944.

Using the Grand Hotel, officers and men moved in and began living in ''Navy style.'' All personnel referred to the floors as decks, kept time by a ship's bell and indulged in the use of tobacco only when the ''smoking lamp'' was lit. The courses included swimming, special calisthenics, marching, drill, navigation, ship identification, signaling, cargo handling, ship orientation, sail making, amphibious operations, and more. Two men from each ship were also trained to be underwater divers. During a five month period, the school turned out 5,000 highly-trained Air Force seamen. When they and their ships went to war, so did Colonel Thompson. The men of the operation participated in the landings in the Philippines, Guam, Tinian, Saipan, Iwo Jima, and Okinawa. Fighter aircraft and B–29s taking off from these bases flew continuous missions over Japan. Many lives, as well as aircraft, were saved because of the men of the aircraft repair and maintenance units.

Perhaps the greatest tribute I can make to the exploits of these sea-going airmen is to paraphrase the Merchant Marines who worked with them and who praised them as ''equal to any sea-going combatants they had ever served with.'' This is a testament to their skill and professionalism and the ability of this nation to adjust its resources to defeat the enemy. The Grand Hotel still stands elegantly on the banks of the Mobile Bay. A hotel whose rich southern history embodies the best traditions of this country.●

JUDGE ROMAN S. GRIBBS, JUDGE FOR THE MICHIGAN COURT OF APPEALS

● Mr. LEVIN. Mr. President, I am delighted to rise today to acknowledge a distinguished public servant, from my home state of Michigan, Judge Roman S. Gribbs, who will be retiring from the bench of the Michigan Court of Appeals, at the close of this year. In November, hundreds of his colleagues, friends and family will celebrate the career of this gentleman of the bench who played a distinct role in shaping Michigan's history.

Judge Gribbs dedicated his academic and professional life to studying, teaching, enforcing, practicing and interpreting the laws that govern the citizens of Michigan. He excelled in his studies at the University of Detroit where he received his Juris Doctorate in 1954, graduating Magna Cum Laude. He taught at his alma mater from 1954 through 1956 and served as an Adjunct Professor and Faculty member at the University of Michigan and the Thomas M. Cooley Law School. He implemented the law as an Assistant Wayne County Prosecutor from 1956 through 1964 and in his service to the City of Detroit as presiding Traffic Court Referee.

In 1968, Roman Gribbs' career in the law took a new turn when he was appointed, then elected, Sheriff of Wayne County. His commitment to strong and fair enforcement of the law earned him respect far beyond the boundaries of Michigan's most populous county.

In 1969, Sheriff Gribbs was elected mayor of the city of Detroit, just 2 years after the city had endured one of the most destructive civil disturbances in the Nation's history. Under his leadership, the people of Detroit began to heal the city's wounds, to bridge their differences and to build their common future. As a newly elected member of Detroit's City Council in those years, I can testify with first hand knowledge to the debt this great American city owes to the calm, determined leadership of Mayor Roman Gribbs.

After stepping down as mayor, Roman Gribbs followed his love for the law and won a seat on the bench of the Third Judicial Circuit and then on the Michigan Court of Appeals where he has served the people of Michigan with a high standard of ethics and courage.

In addition to being a dedicated man of the bench, Judge Gribbs also finds solace in his involvement in the arts. His interest in the humanities and the cultural arts is evidenced through his service as a member of the Founders Society of the Detroit Institute of Art, the Detroit Historical Society and the Michigan Opera Theater.

Despite all that Judge Gribbs has accomplished in a life of service to others those of us fortunate enough to have enjoyed his friendship may admire him most for the quiet qualities we have seen in him over many years—his unyielding integrity, his uncommon decency and perhaps most amazingly, given the tumultuous times he has lived in, his gentleness.

Judge Gribbs can take pride in his long career of service and dedication to the law and to the people of Michigan. I know my colleagues will join me in saluting this man from Michigan, and in wishing him well in the years ahead.●

TRIBUTE TO COMMANDER CATHERINE A. WILSON

● Mr. INOUYE. Mr. President, as the 106th Congress draws to a close, I stand to pay tribute to a distinguished Navy officer who served as a Congressional Science Detail on my staff during this Congress. Commander Catherine Wilson, United States Navy, was selected for this highly coveted position as a result of her outstanding training, experience, and accomplishments. Her superb performance and impeccable credentials earned her the respect and admiration of the Senate staff. She distinguished herself rapidly as a professional who possessed a pleasant demeanor, tremendous integrity, decisive

leadership style, political savvy, and unending energy. The ultimate Naval officer, Commander Wilson is a visionary thinker who has the innate ability to implement these visions. Commander Wilson is the consummate professional and nursing has never had a better ambassador nor patients a more devoted advocate.

Commander Wilson forged strong alliances and affiliations with staff from a myriad of Congressional offices, committees, and federal and civilian agencies that fostered a cohesive approach to legislative proposals. She worked closely with staff members on the Appropriations Subcommittees on Defense and Labor, Health and Human Services and Education in support of military health issues and national nursing and health care agendas.

As an advocate of Tri-Service nursing and military health issues, Commander Wilson championed independent practice for nurse anesthetists, the continuation of the Bachelor of Science degree as the minimum level of education for entry into military nursing practice, continued funding for a graduate school of nursing at the Uniformed Services University of the Health Sciences, and the Tri-Service Nursing Research Program. She was instrumental in securing appropriations language for a wide variety of health care initiatives including telemedicine, advanced medical technologies, and distance learning.

More than fifty years ago, as I was recovering in a military hospital, I began a unique relationship with military nurses. Commander Wilson embodies what I know military nurses to be—strong, dedicated professional leaders stepping to the forefront to serve our country and committed to caring for our Sailors, Marines, Airmen, Soldiers, and their family members during peacetime and at war.

Commander Wilson is an officer of whom the military and our nation can and should be justifiably proud: a unique combination of talent and devotion to duty. I want to personally acknowledge my sincere appreciation to Commander Wilson for her exemplary months of service, and to bid her a fond aloha and heartfelt mahalo.●

REPORT OF THE VETO MESSAGE ON (H.R. 4733), ''ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001''—MESSAGE FROM THE PRESIDENT—PM 132

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Appropriations.

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 form 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 America'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, expands health care coverage to more families, and funds critical investments for our future. I urge the Congress to work expeditiously to develop a bill that addresses the needs of the Nation.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 7, 2000.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:07 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2311. An act to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.

H.R. 1509. An act to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 2302. An act to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the ''James W. McCabe. Sr. Post Office Building.''

H.R. 2496. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

H.R. 2641. An act to make technical corrections to title X of the Energy Policy Act of 1992.

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 2938. An act to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the ''John Brademas Post Office.''

H.R. 3030. An act to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the ''Matthew F. McHugh Post Office.''

H.R. 3201. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

H.R. 3454. An act to designate the United States post office located at 451 College Street in Macon, Georgia, as the ''Henry McNeal Turner Post Office.''

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

H.R. 3745. An act to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 3817. An act to dedicate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero.

H.R. 3909. An act to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the ''Henry W. McGee Post Office Building.''

H.R. 3985. An act to redesignate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the ''Vicki Coceano Post Office Building.''

H.R. 4157. An act to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the ''Matthew 'Mack' Robinson Post Office Building.''

H.R. 4169. An act to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the ''Barbara F. Vucanovich Post Office Building.''

H.R. 4286. An act to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama.

H.R. 4435. An act to clarify certain boundaries on the map relating to Unit NC–01 of the Coastal Barrier Resources System.

H.R. 4447. An act to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the ''Samuel H. Lacy, Sr. Post Office Building.''

H.R. 4448. An act to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the ''Judge Robert Bernard Watts, Sr. Post Office Building.''

H.R. 4449. An act to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the ''Dr. Flossie McClain Dedmond Post Office Building.''

H.R. 4475. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4484. An act to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the ''Everett Alvarez, Jr. Post Office Building.''

H.R. 4517. An act to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the ''Alan B. Shepard, Jr. Post Office Building.''

H.R. 4534. An act to redesignate the facility of the United States Postal Service located at 114 Ridge Street in Lenoir, North Carolina, as the ''James T. Broyhill Post Office Building.''

H.R. 4554. An act to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the ''Joseph F. Smith Post Office Building.''

H.R. 4615. An act to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the ''Reverend J.C. Wade Post Office.''

H.R. 4658. An act to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the ''J.L. Dawkins Post Office Building.''

H.R. 4884. An act to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the ''William S. Broomfield Post Office Building.''

H.R. 4975. An act to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the ''Frank R. Lautenberg Post Office and Courthouse.''

H.R. 5036. An act to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

At 2:15 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 762. An act to amend the Public Health Service Act to provide for research and services with respect to lupus.

H.R. 1042. An act to amend the Controlled Substances Act to provide civil liability for illegal manufacturers and distributors of controlled substances for the harm caused by the use of those controlled substances.

H.R. 3621. An act to provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

H.R. 3756. An act to establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 4441. An act to amend title 49, United States Code, to provide a mandatory fuel surcharge for transportation provided by certain motor carriers, and for other purposes.

H.R. 4788. An act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products or handled in licensed warehouses, and for other purposes.

H.R. 4831. An act to redesignate the facility of the United States Postal Service located at 2339 North California Street in Chicago, Illinois, as the ''Roberto Clemente Post Office.''

H.R. 5136. An act to make permanent the authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds.

H.R. 5164. An act to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

H.R. 5229. An act to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the ''Ruth Harris Coleman Post Office Building.''

H.R. 5314. An act to amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 328. Concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

H. Con. Res. 376. Concurrent resolution expressing the sense of the Congress regarding support for the recognition of a Liberty Day.

H. Con. Res. 404. Concurrent resolution calling for the immediate release of Mr. Edmund Pope from prison in the Russian Federation for humanitarian reasons, and for other purposes.

H. Con. Res. 408. Concurrent resolution expressing appreciation for the United States service members who were aboard the British transport HMT *Rohna* when it sank, the families of these service members, and the rescuers of the HMT *Rohna*'s passengers and crew.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 150) to amend the Act popularly known as the Recreation and Public Purposes Act to authorize disposal of certain public lands or national forest lands to local education agencies for use for elementary or secondary schools, including public charter schools, and for other purposes, with an amendment.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 208) to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

The message further announced that the House has passed the bill (S. 2812)

to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities, with an amendment.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2389) to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2879) to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the ''I have A Dream'' speech.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 3767) to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

The message further announced that the House has agreed to the resolution (H. Res. 618) expressing the condolences of the House of Representatives on the death of the Honorable Bruce F. Vento, a Representative from the State of Minnesota.

At 4:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 4733) making appropriations for energy and water development for fiscal year ending September 30, 2001, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated resolved that the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on October 11, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House insists on its amendment to the amendment of the Senate to the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, disagreed to by the Senate, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

That Mr. TALENT, Mr. ARMEY, and Ms. VELAZQUEZ, be the managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

That Mr. HYDE, Mr. GEKAS, Mr. ARMEY, Mr. CONYERS, and Mr. NADLER, be the managers of the conference on the part of the House.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 11, 2000, he had presented to the President of the United States the following enrolled bill:

S. 2311. An act to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11078. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation; Administrative Amendments'' (FRL #6878–9) received on September 28, 2000; to the Committee on Environment and Public Works.

EC–11079. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Consolidated Federal Air Rule (CAR): Synthetic Organic Chemical Manufacturing Industry'' (FRL #6576–9) received on September 28, 2000; to the Committee on Environment and Public Works.

EC–11080. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Grant Conditions for Indian Tribes and Insular Area Recipients'' received on September 28, 2000; to the Committee on Environment and Public Works.

EC–11081. A communication from the Chief Operating Officer, Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, a report relative to the strategic plan for fiscal year 2001 through 2005; to the Committee on Environment and Public Works.

EC–11082. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: HI–STAR 100 Revision'' (RIN3150–AG61) received on October 6, 2000; to the Committee on Environment and Public Works.

EC–11083. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dimethomorph, (E,Z) -[3-(4-Chlorophenyl) -3-(3 ,4-dimethoxyphenyl) -1-oxo-2-propenyl] morpholine; Pesticide Tolerance'' (FRL #6747–9) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11084. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flucarbazone-sodium; Time-Limited Pesticide Tolerances'' (FRL #6745–9) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11085. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Indoxacarb; Pesticide Tolerance'' (FRL #6747–8) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11086. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propamacarb hydrochloride; Pesticide Tolerance'' (FRL #6745–8) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11087. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Triallate, (S–2, 3, 3-trichloroally diisopropylthiocarbamate); Pesticide Tolerance'' (FRL #6744–8) received on September 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11088. A communication from the Chair, Farm Credit System Insurance Corporation, transmitting, pursuant to law, a report relative to the updated strategic plan for fiscal years 2000 through 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11089. A communication from the Acting Executive Director, Profile Documents for Commodity Pools, transmitting, pursuant to law, the report of a rule entitled ''Profile Documents for Commodity Pools'' (RIN3038–AB60) received on October 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11090. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled ''Motor Vehicle Safety'' and ''Odometers''; to the Committee on Commerce, Science, and Transportation.

EC–11091. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Eastern Regulatory Area of the Gulf of Alaska'' received on October 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11092. A communication from the Deputy Assistant Administrator for Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; 2000 Quota and Associated Management Measures for Yellowfin Tuna in the Eastern Pacific Ocean'' (RIN0648–AN73) received on October 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11093. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 2001 through 2006; to the Committee on Commerce, Science, and Transportation.

EC–11094. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report entitled ''A New FCC for the 21st Century''; to the Committee on Commerce, Science, and Transportation.

EC–11095. A communication from the Associate Administrator for Equal Opportunity Programs, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' (RIN1190–AA28) received on October 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11096. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 2000 through 2005; to the Committee on Commerce, Science, and Transportation.

EC–11097. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, a notice of the Technology Opportunities Program grants for fiscal year 2000; to the Committee on Commerce, Science, and Transportation.

EC–11098. A communication from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting, pursuant to law, a notice of the Public Telecommunications Facilities Program grants for fiscal year 2000; to the Committee on Commerce, Science, and Transportation.

EC–11099. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report relative to the audit of the Telecommunications Development Fund; to the Committee on Commerce, Science, and Transportation.

EC–11100. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled ''Agency Compliance with the Unfunded Mandates Reform Act of 1995''; to the Committee on Governmental Affairs.

EC–11101. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Cost-of-Living Allowances (Nonforeign Areas); Hawaii County, Kauai County, Maui County, Guam (Commissary/Exchange), Puerto Rico, and the U.S. Virgin Islands'' (RIN3206–AJ26) received on October 10, 2000; to the Committee on Governmental Affairs.

EC–11102. A communication from the Director of the Office of Personnel Management, transmitting, a draft of proposed legislation entitled ''Federal Employees; Overtime Pay Limitation Amendments Act of 2000''; to the Committee on Governmental Affairs.

EC–11103. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report entitled ''Federal Human Resources Management for the 21st Century''; to the Committee on Governmental Affairs.

EC–11104. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report relative to the commercial activities inventory; to the Committee on Governmental Affairs.

EC–11105. A communication from the Chief Operating Officer, Chemical Safety and Hazard Investigation Board, transmitting, pursuant to law, a report relative to the annual inventory of agency activities; to the Committee on Governmental Affairs.

EC–11106. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Certification of the Fiscal Year 2000 Revised Revenue Estimate of $3,225,180,000 in Support of the District's $189 Million Multimodal General Obligation Bonds''; to the Committee on Governmental Affairs.

EC–11107. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, the report relative to the annual management and commercial activities inventory; to the Committee on Governmental Affairs.

EC–11108. A communication from the Executive Director of the Federal Reserve Employee Benefits System, transmitting, pursuant to law, a report relative to the retirement plan for employees of the Federal Reserve System prepared as of December 31, 1999; to the Committee on Governmental Affairs.

EC–11109. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to the strategic plan; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1495: A bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness (Rept. No. 106–496).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2580: A bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes (Rept. No. 106–497).

S. 2920: A bill to amend the Indian Gaming Regulatory Act, and for other purposes (Rept. No. 106–498).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 3183. A bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN:

S. 3184. A bill to amend the Federal Food, Drug, and Cosmetic Act to require premarket consultation and approval with respect to genetically engineered foods, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN:

S. 3185. A bill to end taxpayer support of Federal Government contractors against whom repeated civil judgments or criminal convictions for certain offenses have been entered; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. TORRICELLI, Mr. HATCH, and Mr. BIDEN):

S. 3186. A bill to amend title 11, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH:

S. 3187. A bill to require the Secretary of Health and Human Services to apply aggregate upper payment limits to non-State publicly owned or operated facilities under the medicaid program; read the first time.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S. 3188. A bill to facilitate the protection of the critical infrastructure of the United States, to enhance the investigation and prosecution of computer-related crimes, and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. BAYH, Mr. KOHL, Mr. L. CHAFEE, Mr. MOYNIHAN, and Mr. BREAUX):

S. 3189. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH:

S. Con. Res. 147. A concurrent resolution to make a technical correction in the enrollment of the bill H.R. 4868; to the Committee on Finance.

By Mr. MCCONNELL (for himself, Mr. DODD, and Mr. LOTT):

S. Con. Res. 148. A concurrent resolution to provide for the disposition and archiving of the records, files, documents, and other materials of joint congressional committees on inaugural ceremonies; considered and agreed to.

By Mr. MACK:

S. Con. Res. 149. A concurrent resolution to correct the enrollment of H.R. 3244; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Ms. LANDRIEU:

S. 3183. A bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States; to the Committee on Banking, Housing, and Urban Affairs.

MARTIN LUTHER KING, JR. COMMEMORATIVE COIN ACT OF 2000

Ms. LANDRIEU. Mr. President, today I introduce a bill which is long overdue but now appropriate as our Nation prepares to face the challenges of a new century.

During the 1960s, a young and gifted preacher from Georgia gave a voice to the voiceless by bringing the struggle for freedom and civil rights into the living rooms of all Americans. Dr. Martin Luther King, Jr. raised his voice rather than his fists as he helped lead our Nation into a new era of tolerance and understanding. He ultimately gave his life for this cause, but in the process brought America closer to his dream of a nation without racial divisions.

It has been said that, ''Those who do not understand history are condemned to repeat it.'' America's history includes dark chapters—chapters in

which slavery was accepted and discrimination against African-Americans, women and other minorities was commonplace. It is in acknowledgment of that history, and in honor of Dr. King's bright beacon of hope which has lead us to a more enlightened era of civil justice, that I introduce the Martin Luther King Commemorative Coin Act of 2000.

This bill would instruct the Secretary of the Treasury to mint coins in commemoration of Dr. King's contributions to the United States. Revenues from the surcharge of the coin would be used by the Library of Congress to purchase and maintain historical documents and other materials associated with the life and legacy of Dr. Martin Luther King, Jr.

As we start the 21st Century, I cannot think of better way to honor the civil and human rights legacy of Dr. Martin Luther King, Jr.

Today, Dr. King's message goes beyond any one group, embracing all who have been denied civil or human rights because of their race, religion, gender, sexual orientation or creed. This Congress, as well as previous Congresses, has taken important steps to put these beliefs into civil code.

However, upholding Dr. King's dream is a continuing struggle. Just last month, the House of Representatives passed hate crimes legislation making crimes based on race, religion, gender, and sexual orientation federal offenses. Champions of hate crimes legislation in the Senate and our colleagues in the House of Representatives gave powerful examples of the hatred that exists in our nation even today. As a society, we must always remember Dr. King's message, ''that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident; that all men are created equal.'''

Dr. King's majestic and inspiring voice as he made this speech will remain in our collective memory forever. His writings and papers compliment the visual history of his legacy. Keeping Dr. King's papers available for public access will serve to remind us of what our country once was, and how a solitary voice changed the path of a nation. It also would be a constant reminder of the vigilance needed to ensure we never return to such a time.

This legislation has been developed in consultation with the King family, the Library of Congress, the Citizens Commemorative Coin Advisory Committee, and the U.S. Mint. Similar legislation has been introduced in the House of Representatives by the Chairman of the House Banking and Financial Services Committee, Congressman JIM LEACH of Iowa.

Although African-Americans have played a vital role in our Nation's history, African-Americans were included on only four out of 157 commemorative coins:

Jackie Robinson, who broke baseball's color barrier and brought about a cultural revolution with the courage and dignity in which he played the great American pass time, and the way he lived his life.

Booker T. Washington, who founded Tuskegee Institute in Alabama and served as a role model for millions of African-Americans who thought a formal education would forever be outside of their grasp.

George Washington Carver, whose scientific experiments began as a way to improve the lot in life of sharecroppers, but ended up revolutionizing agriculture throughout the South.

And the Black Revolutionary War Patriots, a commemorative half-dollar which recognized the 275th anniversary of the birth of Crispus Attucks, who was the first revolutionary killed in the Boston Massacre.

The Martin Luther King, Jr. Commemorative Coin will give us the opportunity to recognize the valuable contributions of all Americans who stood and were counted during our Nation's civil rights struggle.

Americans like the late Reverend Avery C. Alexander, who was a patriarch of the New Orleans' civil rights movement. He championed anti-discrimination, voter registration, labor rights, and environmental regulations as a six-term state legislator and as an adviser to Governor Morrison of Louisiana in the 1950s.

Heroes like Dr. C.O. Simpkins from Shreveport, LA, whose home was bombed simply because he dared to stand by Dr. King and demand that the buses in Shreveport be integrated, and Reverend T. J. Jemison of Baton Rouge, a front-line soldier and good friend of Dr. King who helped coordinate one of the earliest boycotts of the civil rights movement.

Louisiana also was fortunate enough to have elected leaders such as my father Moon Landrieu and Dutch Morial, both former mayors of New Orleans during those turbulent times. They led the way when the personal and political stakes were very high.

These are just a few of the great civil rights leaders from my State. However, throughout Louisiana and all across America thousands of citizens—black and white, young and old, rich and poor—listened to Dr. King, followed his voice and dreamed his dreams. It is in memory of all of our struggles that I introduce this bill.

The great Dutch philosopher Baruch Spinoza said, ''If you want the present to be different from the past, study the past.'' This legislation not only ensures we are able to preserve and study our past, but also honors Dr. King, who played such an integral role in shaping both our present and our future.

Mr. DURBIN:

S. 3184. A bill to amend the Federal Food, Drug, and Cosmetic Act to require premarket consultation and approval with respect to genetically engineered foods, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

GENETICALLY ENGINEERED FOODS ACT OF 2000

Mr. DURBIN. Mr. President, today I am introducing the Genetically Engineered Foods Act. This legislation would strengthen consumer confidence in the safety of genetically engineered foods, and in the ability of the federal government to exercise effective oversight of this important technology. This bill requires an FDA pre-market review of all genetically engineered foods, and grants FDA important authorities to conduct oversight. In addition, the Genetically Engineered Foods Act creates a transparent process that will better inform and involve the public as decisions are made regarding the safety of genetically engineered foods.

In the past five years, genetically engineered foods have become a major part of the American food supply. Many foods on the grocery store shelves now contain genetically engineered ingredients such as corn, soy, and potatoes. These foods have been enhanced with important qualities that help farmers grow crops more efficiently. But they have also raised significant concerns as to the safety of these new foods, and the adequacy of government oversight. These concerns were heightened by the recent recall of taco shells that contained a variety of genetically engineered corn that was not approved for human use.

Up until now, genetically engineered foods have been screened by the federal Food and Drug Administration under a voluntary program. The Genetically Engineered Foods Act will make this pre-market review program mandatory, and strengthen government oversight in several important ways.

Mandatory Review: Companies developing genetically engineered foods will receive approval from FDA before new foods could be marketed. FDA will scientifically ensure that genetically engineered foods are just as safe as conventional foods before allowing them on the market.

Clear-cut Authority: FDA will be given authority to review all genetically engineered foods, whether produced domestically or imported, including authority over genetically engineered food supplements (such as ginseng extract, for example). Genetically engineered foods not approved for market will be considered ''adulterated'' and subject to FDA recall.

Public Involvement: Scientific studies and other materials submitted to FDA in their review of genetically engineered foods will be available for public review and comment. Members of the public can submit any new information on genetically engineered foods not previously considered by FDA and request a new review of a genetically engineered food, even after the food is on the market.

Testing: FDA, in conjunction with other federal agencies, will be given the authority to conduct scientifically-sound food testing to determine whether genetically engineered foods are inappropriately entering the food supply (for instance, whether a food cleared for use only as an animal feed is showing up in food for humans).

Communication: FDA and other federal agencies will establish a registry of genetically engineered foods for easy, one-stop access to information on which foods have been cleared for market, and what restrictions are in place on their use. Federal agencies will report regularly to Congress on the status of genetically engineered foods in use. The genetically engineered food review process will be fully transparent so that the public has access to all nonconfidential information.

Research: An existing genetically engineered foods research program will be expanded to focus research on possible risks from genetically engineered foods, with a specific emphasis on potential allergens. Research is also directed at understanding impacts, to farmers and to the overall economy, of the growing use of genetically engineered foods.

Mr. President, I urge my colleagues to join me in cosponsoring this important legislation. The American people should be assured that the food they feed their families is the safest in the world. The Genetically Engineered Foods Act can help provide that assurance. I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Genetically Engineered Foods Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) genetically engineered food is rapidly becoming an integral part of the United States and international food supplies;

(2) the potential positive effects of genetically engineered foods are enormous;

(3) the potential for negative effects, both anticipated and unexpected, exists with genetic engineering of foods;

(4) evidence suggests that unapproved genetically engineered foods are entering the food supply;

(5) it is essential to maintain public confidence in the safety of the food supplies and in the ability of the Federal government to exercise adequate oversight of genetically engineered foods;

(6) public confidence can best be maintained through careful review of new genetically engineered foods, and monitoring of the positive and negative effects of genetically engineered foods as the foods become integrated into the food supplies, through a review and monitoring process that is scientifically sound, open, and transparent, and that fully involves the general public; and

(7) since genetically engineered foods are developed worldwide and imported into the United States, it is also imperative to ensure that imported genetically engineered foods are subject to the same level of oversight as domestic genetically engineered foods.

SEC. 3. PREMARKET REVIEW OF GENETICALLY ENGINEERED FOODS.

Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 414. GENETICALLY ENGINEERED FOODS.

''(a) DEFINITIONS.—In this section:

''(1) GENETIC ENGINEERING.—The term 'genetic engineering' means the application of a recombinant DNA technique or a related technology to modify genetic material with a degree of specificity or precision that is not usually available with a conventional breeding technique or another form of genetic modification.

''(2) GENETICALLY ENGINEERED FOOD.—The term 'genetically engineered food' means a food or dietary supplement that—

''(A)(i) is produced in a State; or

''(ii) is offered for import into the United States; and

''(B) is created by genetic engineering.

''(3) PRODUCER.—The term 'producer', used with respect to a genetically engineered food means a person, company, or other entity that develops, manufactures, imports, or takes other action to introduce into interstate commerce, a genetically engineered food.

''(4) SAFE.—The term 'safe', used with respect to a genetically engineered food, means that the food is considered to be as safe as the appropriate comparable food that is not created by genetic engineering.

''(b) REGULATIONS FOR GENETICALLY ENGINEERED FOODS.—

''(1) PREMARKET CONSULTATION AND APPROVAL.—

''(A) IN GENERAL.—The Secretary shall issue regulations that require a producer of a genetically engineered food, in order to obtain the approval described in subparagraph (B), to use a premarket consultation and approval process described in subparagraph (C).

''(B) APPROVAL.—The regulations shall require the producer to use the process in order to obtain approval to introduce the food into interstate commerce, except in cases where the producer has previously successfully completed the process described in subparagraph (C) or the voluntary premarket consultation process described in paragraph (2).

''(C) PROCESS.—The regulations shall require the producer to use a premarket consultation and approval process that—

''(i) includes the procedures of the voluntary premarket consultation process described in paragraph (2); and

''(ii) meets the requirements of this subsection.

''(2) VOLUNTARY PREMARKET CONSULTATION PROCESS.—The process referred to in paragraph (1)(C)(i) is the voluntary premarket consultation process described in—

''(A) the guidance document entitled 'Guidance on Consultation Procedures: Foods Derived From New Plant Varieties', issued in October 1997, by the Office of Premarket Approval of the Center for Food Safety and Applied Nutrition, and the Office of Surveillance and Compliance of the Center for Veterinary Medicine, of the Food and Drug Administration (or any corresponding similar guidance document);

''(B) the statement of policy entitled 'Foods Derived From New Plant Varieties', published in the Federal Register on May 29, 1992, 57 Fed. Reg. 22984 (or any corresponding similar statement of policy); and

''(C) such other documents issued by the Commissioner relating to such process as the Secretary may determine to be appropriate.

''(3) SUBMISSION AND DISSEMINATION OF MATERIALS.—

''(A) SUBMISSION.—The regulations shall require that, as part of the consultation and approval process, each producer of a genetically engineered food submit to the Secretary—

''(i) each summary of research, test results, and other materials that the producer is required to submit under the process described in paragraph (2); and

''(ii) a copy of the research, test results, and other materials.

''(B) DISSEMINATION.—On receipt of a request for the initiation of a consultation and approval process, or on receipt of such summary, research, results, or other materials for a food, the Secretary shall provide public notice regarding the initiation of the process, including making the notice available on the Internet. The Secretary shall make the summaries, research, results, and other materials relating to the food publicly available, including, to the extent practicable, available on the Internet, prior to making any determination under paragraph (4).

''(C) PROTECTION OF TRADE SECRETS.—The regulations shall ensure that laws in effect on the date of enactment of the Genetically Engineered Foods Act that protect trade secrets apply with respect to the information submitted to the Secretary under subparagraph (A). Such regulations may provide for the submission of sanitized information in appropriate cases, and the dissemination of such sanitized information.

''(4) DETERMINATIONS.—The regulations shall require that, as part of the consultation and approval process for a genetically engineered food, the Secretary shall—

''(A) determine whether the producer of the food has submitted, during the consultation, materials and information that are adequate to enable the Secretary to fully assess the safety of the food, and make a description of the determination publicly available; and

''(B) if the Secretary determines that the producer has submitted adequate materials and information, conduct a review of the materials and information, and, in conducting the review—

''(i) prepare a response that—

''(I) summarizes the materials and information;

''(II) explains the determination; and

''(III) contains a finding by the Secretary that the genetically engineered food—

''(aa) is considered to be safe and may be introduced into interstate commerce;

''(bb) is considered to be conditionally safe and may be so introduced if certain stated conditions are met; or

''(cc) is not considered to be safe and may not be so introduced;

''(ii) make the response publicly available; and

''(iii) provide an opportunity for the submission of additional views or data by interested persons on the response.

''(5) REVIEW FOR CAUSE.—

''(A) REQUEST FOR ADDITIONAL REVIEW.—The regulations shall provide that any person may request that the Secretary conduct an additional review, of the type described in paragraph (4)(B), for a food on the basis of materials and information that were not available during an earlier review described in paragraph (4)(B) or that were not considered during the review.

''(B) FINDING FOR ADDITIONAL REVIEW.—The Secretary shall conduct the additional review, on the basis of the materials and information described in subparagraph (A) if the Secretary finds that the materials and information—

''(i) are scientifically credible;

''(ii) represent significant materials and information that was not available or considered during the earlier review; and

''(iii) suggest potential negative impacts relating to the food that were not considered in the earlier review or demonstrate that the materials and information considered during the earlier review were inadequate for the Secretary to make a safety finding.

''(C) ADDITIONAL MATERIALS AND INFORMATION.—In conducting the additional review, the Secretary may require the producer of

the genetically engineered food to provide additional materials and information, as needed to facilitate the review.

''(D) FINDING.—In conducting the review, the Secretary shall—

''(i) issue a response described in paragraph (4)(B) that revises the finding made in the earlier review with respect to the safety of the food; or

''(ii) make a determination, and issue an explanation stating, that no revision to the finding is needed.

''(E) ACTION OF SECRETARY.—If, based on a review under this paragraph, the Secretary determines that the food involved is not safe, the Secretary may withdraw the approval of the food for introduction into interstate commerce or take other action under this Act as the Secretary determines to be appropriate.

''(6) EXEMPTIONS.—

''(A) CATEGORIES OF GENETICALLY ENGINEERED FOODS.—

''(i) PROPOSED RULE.—The Secretary may issue a proposed rule that exempts a category of genetically engineered foods from the regulations described in paragraph (1) if—

''(I) the rule contains a narrowly specified definition of the category;

''(II) the rule specifies the particular foods included in the category;

''(III) the rule specifies the particular genes, proteins, and adjunct technologies (such as use of markers or promoters) that are involved in the genetic engineering for the foods included in the category; and

''(IV) not less than 10 foods in the category have been reviewed under paragraph (4)(B) and found to be safe.

''(ii) PUBLIC COMMENT PERIOD.—The Secretary shall provide an opportunity, for not less than 90 days, for the submission of comments by interested persons on the proposed rule.

''(iii) FINAL RULE.—At the end of the comment period described in clause (ii), the Secretary shall issue a final rule described in clause (i).

''(B) REGULATED GENETICALLY ENGINEERED FOODS.—

''(i) PROPOSED RULE.—The Secretary may issue a proposed rule that exempts from the regulations described in paragraph (1) genetically engineered foods that the Secretary determines are subject to regulation under Federal law other than this section, such as foods from pharmaceutical-producing plants.

''(ii) PUBLIC COMMENT PERIOD.—The Secretary shall provide an opportunity, for not less than 90 days, for the submission of comments by interested persons on the proposed rule.

''(iii) FINAL RULE.—At the end of the comment period described in clause (ii), the Secretary shall issue a final rule described in clause (i).

''(7) ISSUANCE DATES.—The Secretary shall issue proposed regulations described in paragraph (1) not later than 6 months after the date of enactment of the Genetically Engineered Foods Act, and final regulations described in paragraph (1) not later than 18 months after such date of enactment.

''SEC. 415. REPORTS ON GENETICALLY ENGINEERED FOODS.

''(a) DEFINITIONS.—In this section, the terms 'genetic engineering' and 'genetically engineered food' have the meanings given the terms in section 414.

''(b) GENERAL AUTHORITY.—The Secretary, the Administrator, and the Secretary of Agriculture (referred to in this section as the 'covered officers'), after consultation with the Secretary of Commerce, the Secretary of the Interior, the Council on Environmental Quality, and the heads of such other agencies as the covered officers may determine to be appropriate, shall jointly prepare and submit to the appropriate committees of Congress reports on genetically engineered foods and related concerns.

''(c) CONTENTS.—The reports shall contain—

''(1) information on the types and quantities of genetically engineered foods being offered for sale or being developed, domestically and internationally;

''(2) information on current and emerging issues of concern relating to genetic engineering, including issues relating to—

''(A) the ecological impacts of, antibiotic markers for, insect resistance to, nongerminating or terminator seeds for, or cross-species gene transfer for, genetically engineered foods;

''(B) foods from animals created by genetic engineering;

''(C) non-food crops, such as cotton, created by genetic engineering; and

''(D) socioeconomic concerns (such as the impact of genetically engineered foods on small farms), and liability issues;

''(3) information on options for labeling genetically engineered foods, the benefits and drawbacks of each option, and an assessment of the authorities under which such labeling might be required;

''(4) a response to and information on the status of implementation of the recommendations contained in a report entitled 'Genetically Modified Pest Protected Plants', issued in April 2000, by the National Academy of Sciences;

''(5) an assessment of data needs relating to genetically engineered foods;

''(6) a projection of the number of genetically engineered foods that will require regulatory review in the next 5 years, and the adequacy of the resources of the Food and Drug Administration, Environmental Protection Agency, and Department of Agriculture to conduct the review; and

''(7) an evaluation of the national capacity to test foods for the presence of genetically engineered ingredients.

''(d) SUBMISSION OF REPORTS.—The covered officers shall submit reports described in this section not later than 2 years, 4 years, and 6 years after the date of enactment of the Genetically Engineered Foods Act.

''SEC. 416. MARKETPLACE TESTING.

''(a) IN GENERAL.—The Secretary, in conjunction with the Secretary of Agriculture and the Administer of the Environmental Protection Agency, shall establish a program to conduct testing, as determined necessary by the Secretary, to identify genetically engineered foods at all stages of production (from the farm to the retail store).

''(b) PERMISSIBLE TESTING.—Under the program under subsection (a), the Secretary may conduct tests on foods —

''(1) to identify genetically engineered ingredients that have not been approved for use pursuant to this Act, including foods that are developed in foreign countries that have not been approved for marketing in the United States under this Act; and

''(2) to identify the presence of genetically engineered ingredients the use of which is restricted under this Act (including approval for animal feed only, approval only if properly labeled, approval for growing or marketing only in selected regions).

''SEC. 417. GENETICALLY ENGINEERED FOOD REGISTRY.

''(a) ESTABLISHMENT.—The Secretary, in conjunction with the Secretary of Agriculture and the Administer of the Environmental Protection Agency, shall establish a registry for genetically engineered foods that contains a description of the regulatory status of all such foods that have been submitted to the Secretary for premarket approval and that meets the requirements of subsection (b).

''(b) REQUIREMENT.—The registry established under subsection (a) shall—

''(1) identify all genetically engineered food that have been submitted to the Secretary for premarket approval;

''(2) contain the technical and common names of each of the foods identified under paragraph (1)

''(3) contain a description of the regulatory status under this Act of each of the foods identified under paragraph (1);

''(4) contain a technical and non-technical summary of the types of genetic changes made to each of the foods identified under paragraph (1) and the reasons for such changes;

''(5) identify an appropriate public contact official at each entity that has created each of the foods identified in paragraph (1);

''(6) identify an appropriate public contact official at each Federal agency with oversight responsibility over each of the foods identified in paragraph (1); and

''(7) be accessible by the public.''.

SEC. 4. PROHIBITED ACTS.

Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

''(h) If it is a food containing a genetically engineered food as an ingredient, or is a genetically engineered food (as defined in section 414(a)) that is subject to section 414(b) that—

''(1) does not meet the requirements of section 414(b); and

''(2)(A) is produced in the United States and introduced into interstate commerce by a producer (as defined in section 414(a)); or

''(B) is introduced into interstate commerce by an importer.''.

SEC. 5. GRANTS FOR RESEARCH ON ECONOMIC AND ENVIRONMENTAL RISKS AND BENEFITS OF USING BIOTECHNOLOGY IN FOOD PRODUCTION.

(a) IN GENERAL.—Section 1668 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921) is amended by striking subsections (a) and (b) and inserting the following:

''(a) PURPOSES.—The purposes of this section are—

''(1) to authorize and support research intended to identify and analyze technological developments in the area of biotechnology for the purpose of evaluating the potential positive and adverse effects of the developments on the United States farm economy and the environment, and addressing public concerns about potential adverse environmental effects, of using biotechnology in food production; and

''(2) to authorize research to help regulatory agencies develop policies, as soon as practicable, concerning the introduction and use of biotechnology.

''(b) GRANT PROGRAM.—The Secretary of Agriculture, acting through the Cooperative State Research, Education, and Extension Service and the Agricultural Research Service, shall establish a competitive grant program to conduct research to promote the purposes described in subsection (a).''.

(b) TYPES OF RESEARCH.—Section 1668(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(c)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) Research designed to evaluate—

''(A) the potential effect of biotechnology developments on the United States farm economy;

''(B) the competitive status of United States agricultural commodities and foods in foreign markets; and

''(C) consumer confidence in the healthfulness and safety of agricultural commodities and foods.''.

(c) PRIORITY.—Section 1668(d)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(d)(1)) is amended by inserting before the semicolon the following: '', but giving priority to projects designed to develop improved methods for identifying potential allergens in pest-protected plants, with particular emphasis on the development of tests with human immune-system endpoints and of more reliable animal models''.

(d) CONFORMING AMENDMENTS.—

(1) Section 1668 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921) is amended by striking the section heading and inserting the following:

''SEC. 1668. GRANTS FOR RESEARCH ON ECONOMIC AND ENVIRONMENTAL RISKS AND BENEFITS OF USING BIOTECHNOLOGY IN FOOD PRODUCTION.''.

(2) Section 1668(g)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(g)(2)) is amended by striking ''for research on biotechnology risk assessment''.

Mr. KYL (for himself and Mrs. FEINSTEIN):

S. 3188. A bill to facilitate the protection of the critical infrastructure of the United States, to enhance the investigation and prosecution of computer-related crimes, and for other purposes; to the Committee on the Judiciary.

CYBER SECURITY ENHANCEMENT ACT OF 2000

Mr. KYL. Mr. President, today I rise to introduce the Cyber Security Enhancement Act of 2000. This legislation is designed to enhance America's ability to protect our critical infrastructures from attack by hackers, terrorists, or hostile nations. It is a result of many meetings and hearings I have held as the Chairman of the Judiciary Subcommittee on Technology, Terrorism, and Government Information that focused on cyber security and critical infrastructure protection.

As we all know, the Information Revolution has transformed virtually every aspect of our daily lives. However, advancements in technology have not been accompanied by adequate security. Today, our nation's critical infrastructures have all become interdependent, with vulnerable computer networks as the backbone. These networks, and the vital services they support like transportation, electric power, air traffic control, and telecommunications, are vulnerable to disruption or destruction by anyone with a computer and a modem. And an attack on one sector can cascade to others, causing significant loss of revenue, disruption of services, or loss of life.

The Cyber Security Enhancement Act seeks to remove some of the impediments to effective cooperation between the private sector and the government that prevent effective cyber security. Over the past three years, Senator FEINSTEIN and I have held seven hearings in our subcommittee on cyber security issues. Although we received many recommendations from experts at these hearings and from Executive Branch commissions, I have only included those ideas in this bill that I thought would clearly improve cyber security efforts.

In particular, this bill would allow companies to voluntarily submit information on cyber vulnerabilities, threats, and attacks to the federal government, without this information being subject to Freedom of Information Act disclosure. The bill would also clarify anti-trust law to permit companies to share information with each other on these cyber security issues. In addition, the bill would authorize the Attorney General to issue administrative subpoenas in order to swiftly trace the source of a cyber attack. It then requires the Attorney General to report to Congress on a plan to standardize requests from law enforcement agencies to private companies for electronic information and records used during a cyber investigation. Finally, it requires the Attorney General and the Secretary of Commerce to report on efforts to encourage the utilization of technologies that prevent the use of false Internet addresses.

I would like to provide a brief background some of the actions by the government that have helped to highlight the impediments addressed by the Cyber Security Enhancement Act:

Because of my concern for America's new ''Achilles heel'', I authored an amendment to the 1996 Defense Authorization Act, directing the President to submit a report to Congress ''setting forth the results of a review of the national policy on protecting the national information infrastructure against strategic attacks.''

In July 1996, the President's Commission on Critical Infrastructure Protection, PCCIP, was established. It was required to report to the President on the scope and nature of the vulnerabilities and threats to the nations critical infrastructures. It was also charged to recommend a comprehensive national policy and implementation plan for critical infrastructure protection and determine legal and policy issues raised by their proposals. The Cyber Security Enhancement Act implements some of their legal recommendations.

The Commission released its report in October of 1997. It called for an unprecedented partnership between the public and private sector to better secure our information infrastructure. This partnership is essential because approximately 90 percent of the critical infrastructures are owned and operated by private industry.

In May 1998, the President issued Presidential Decision Directive 63, PDD 63, as a response to the Commissions recommendations. This directive set 2003 as the goal for protecting our critical infrastructures from attack. Among other provisions, PDD–63 created Information Sharing and Analysis Centers, ISACs, for the private sector to share information on cyber vulnerabilities and attacks.

Finally, on January 7th, 2000, President Clinton released the first edition of the national plan to protect our critical infrastructures. The plan was a modest first step towards addressing the cyber security challenges before the nation. Like the PCCIP, its key element was the call for a public-private partnership. In February of 2000, I chaired a hearing in my Judiciary Subcommittee on Technology, Terrorism, and Government Information on the national plan and its privacy implications. I plan to hold additional oversight hearings on the plan in the future.

Overall protection from cyber attack necessitates that information about cyber vulnerabilities, threats, and attacks be communicated among companies, and with government agencies. Two major legal obstacles towards accomplishing this goal have been repeatedly identified.

A company which voluntarily submits cyber vulnerability and attack information to the federal government in order to help raise overall security must be assured that this information is protected from disclosure or they will not voluntarily submit such information. My legislation provides a narrowly defined exemption from the Freedom of Information Act for this purpose.

In its report, the PCCIP specifically addressed the legal impediments to information sharing. In that section, the Commission stated:

> We envision the creation of a trusted environment that would allow the government and private sector to share sensitive information openly and voluntarily. Success will depend upon the ability to protect as well as disseminate needed information. We propose altering several legal provisions that appear to inhibit protection and thus discourage participation.
>
> The Freedom of Information Act, FOIA, makes information in the possession of the federal government available to the public upon request. Potential participants in an information sharing mechanism may require assurances that their sensitive information will remain confidential if shared with the federal government.
>
> We recommend: The proposed Office of National Infrastructure Assurance (now the Critical Infrastructure Assurance Office) require appropriate protection of specific private sector information. This might require, for example, inclusion of a b(3) FOIA exemption in enabling legislation.

Currently, there are over 100 exemptions to FOIA that have been created by other laws. My legislation creates another so called ''(b)(3)'' exemption that would ensure that Federal entities, agencies, and authorities that receive information submitted under the statute can offer the strongest possible assurances that information received will be protected from FOIA disclosure.

Our legislation would not allow submitters to hide information from the public. If current reporting obligations require that certain information be

submitted to a particular agency, this non-disclosure provision would not alter that requirement. The legislation would only protect voluntarily submitted information that the government would otherwise not have.

There is tremendous support for this FOIA exemption. My subcommittee held a hearing in March to address the impediments to information sharing. At that hearing, I asked Harris Miller, President of the Information Technology Association of America (the largest and oldest association of its kind in the nation): ''With respect to FOIA, is it fair to say that we won't have adequate information sharing until we offer an exemption to FOIA for critical information infrastructure protection?'' Mr. Miller responded: ''Absolutely. As long as companies believe that by cooperating with the government they're facing the risk of very sensitive and confidential information about proprietary secrets or about customer records, however well intentioned, ending up in the public record, that is going to be, to use your phrase, a show stopper.''

FBI Director Louis Freeh testified at the same hearing. He was asked if he supported a FOIA exemption and said: ''I would certainly tend to favor it in the limited area of trade secrets, proprietary information, intellectual property, much like my comments about the Economic Espionage Act, where that is carved out as an area that protects things that are critical to conduct an investigation, but would be devastating economically and otherwise to the owner of that property, if it was disclosed or made publicly available.''

The Critical Infrastructure Assurance Office has sponsored the ''Partnership for Critical Infrastructure Security'', which is a collaborative effort of industry and government to address risks to national critical infrastructures and assure delivery of essential services. It has representation from all sectors of private industry. During their meeting in February, five working groups were formed, one of which addressed legal impediments to information sharing. FOIA was raised as a primary impediment.

Former Senator Sam Nunn and Frank Cilluffo, of the Center for Strategic and International Studies, wrote an op-ed on cyber security in the Atlanta Journal-Constitution last month. In the article, they stated: ''We need to review and revise the Freedom of Information Act, which now constitutes an obstacle to the sharing of information between the public and private sectors.''

We clearly need to assure private companies that information they share with the government in order to improve cyber security and protect our critical infrastructures will be protected from public disclosure. This legislation provides that assurance.

Information-sharing activities between companies in the private sector is inhibited by concern over anti-trust violations. According to the PCCIP, ''Potential contributors from the private sector are reluctant to share specific threat and vulnerability information because of impediments they perceive to arise from antitrust and unfair business practice laws.''

The Cyber Security Enhancement Act includes an assurance that companies who share information with each other on the narrow issues of cyber threats, vulnerabilities, and attacks will not be subject to anti-trust penalties. This protection was similarly provided to companies during the preparation for Y2K. There is also a great deal of support for this provision.

David Aucsmith, Intel's chief security officer, testified at a Scottsdale, AZ field hearing of my subcommittee on cyber security on April 22. In reference to information sharing between companies, he stated, ''However, there are problems with that cooperation. We are now having a collection of industry competitors coming together to share information. This brings up anti-trust issues.''

In the op-ed by Nunn and Cilluffo, they stated, ''Likewise, we need to address legislatively the multitude of issues related to liability, including anti-trust exposure that may arise in sector-to-sector cooperation in cyberspace.''

Harris Miller, President of the ITAA, wrote an op-ed on cyber security for the Washington Post in May. In his section on information sharing, he commented, ''Part of the answer will require new approaches to the Freedom of Information Act and the anti-trust laws so that sensitive information can be protected.''

Companies need assurance that their participation in information sharing activities about cyber vulnerabilities, threats, and attacks will not result in punishment. The Cyber Security Enhancement Act provides the assurance that such narrow areas of cooperation will not result in unwarranted anti-trust prosecution.

Cyber attacks often leave no witnesses. When an attack does occur, its origin, scope, and objective are usually not obvious at first. Time is a critical factor in the pursuit of a cyber attacker, and new tools are needed to fight this problem. At the March hearing of my subcommittee, FBI Director Louis Freeh testified about the need for law enforcement to have administrative subpoena authority in order to swiftly trace the source of a cyber attack. The Cyber Security Enhancement Act will permit law enforcement to use administrative subpoenas to gain source information of an attack. Under current law, the authority to issue administrative subpoenas is limited to cases involving violations of Title 21 (i.e. drug controlled substances' cases), investigations concerning a federal health care offenses, or cases involving child sexual exploitation or abuse.

The ''Love Bug'' virus investigation is an excellent example of where speed is of the essence in catching a cyber criminal. Philippine authorities investigating the ''Love Bug'' computer virus wanted to search the suspects' apartment sooner, but were unable to find a judge over the weekend. The delay apparently gave the apartment's residents time to dispose of the personal computer and key evidence.

The administrative subpoena provision in my legislation is very narrowly limited to cybercrime investigations involving violations of nine federal statues that address computer crimes. This provision is only concerned with obtaining information about the source of the electronic communication. It specifically protects privacy rights by prohibiting the disclosure of the contents of an electronic message. Administrative subpoenas will provide law enforcement with the speed and the means to enhance the protection of our critical infrastructures from attack in cyberspace.

The Cyber Security Enhancement Act will remove roadblocks to information sharing and investigation of cyber attacks. It will foster greater cooperation among the private sector and with the government on cyber security issues by providing limited protection from FOIA and anti-trust laws. It will take away the current ability of cyber criminals to evade law enforcement's efforts to catch them by authorizing administrative subpoenas. It will encourage standardization in requests for information by law enforcement to the private sector. It will encourage the use of technologies that inhibit a cyber attacker from utilizing a false Internet address.

Ultimately, this legislation enhances the protection of our nation's critical infrastructures from cyber attack by hackers, terrorists, or hostile nations. I am committed to doing what I can to secure our nation's way of life in the Information Age. This legislation is a critical first step.

By Ms. SNOWE (for herself, Mr. BAYH, Mr. KOHL, Mr. L. CHAFEE, Mr. MOYNIHAN, and Mr. BREAUX):

S. 3189. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; to the Committee on Finance.

CHILD SUPPORT DISTRIBUTION ACT OF 2000

Ms. SNOWE. Mr. President, I rise today to introduce the Child Support Distribution Act. This is companion legislation to Congresswoman NANCY JOHNSON's bill in the House, which passed the House overwhelmingly on September 7, 2000. I want to begin by thanking Senator KOHL for his leadership on child support issues; I am delighted to have been able to team up with him again in this important area. The child support provisions of this bill

closely resemble his original legislation—the Children First Child Support Reform Act—of which I am a proud cosponsor. I also want to thank Senator BAYH for his leadership on new fatherhood initiatives. I am pleased that we could work together and incorporate their ideas into this vital legislation. I am pleased to have Senators CHAFEE, MOYNIHAN, and BREAUX as original cosponsors on this bill.

There is no question that children are the very future of our country and I believe fundamentally that every child has the right to grow up healthy, happy, and safe. Throughout my career, promoting children's well-being and keeping our children safe is a mission that has been close to my heart. While we cannot expect the government to ensure that every child receives parental love and attention, we can ensure that parents pay court-ordered child support, and we can ensure that the custodial parent—not the government—receives this vital financial support.

Ending poverty and promoting self-sufficiency is an on-going national commitment. Four years ago Congress restored welfare to a temporary assistance program, rather than a program that entangles and traps generation after generation. Today, the welfare caseload has fallen by six million recipients from 12.6 million in 1996 to 6.6 million in September 1999. This reflects a drop of 49 percent in just three years. We also have the lowest percentage (2.4) of the American population on welfare since 1967.

Unfortunately, while we are succeeding in promoting self-sufficiency and self-reliance through welfare reform, we are sending out a double-edged message on the need to pay child support. Current law regarding the assignment and distribution of child support for families on welfare is extremely complicated—depending on when families applied for welfare, when the child support was paid, whether that child support was for current or past-due payments, and depending on how the child support was collected, in other words, through direct payments, through garnishing wages or other government assistance programs, or the federal income tax return intercept program.

The ''Child Support Distribution Act of 2000'' would provide more child support money to families leaving welfare; would simplify the rules governing the assignment and distribution of child support collected by States; would improve the collection of child support; would authorize demonstration programs encouraging public agencies to help collect child support; and would implement a fatherhood grant program to promote marriage, encourage successful parenting, and help fathers find jobs and increase their earnings.

Under current law, when child support is collected for families receiving Temporary Assistance for Needy Families, TANF, the money is divided between the state and federal governments as payment for the welfare the family has received. The 1996 Welfare Reform Act gave states the option to decide how much, if any, of the state share of child support payments collected on behalf of TANF families to send to the family.

The 1996 Welfare Reform law also required that in order to qualify for TANF benefits, beneficiaries must ''assign''—or give—their child support rights to the state for periods before and while the family is on welfare. This means that the State is allowed to keep (and divide with the federal government) child support arrearages that were owed even before the family went on TANF if they are collected while the family is receiving welfare benefits.

The original intent of these assignment and distribution strategies was to reimburse the state and federal governments for their outlays to the welfare family. But how much sense does it make to tell a family that is on welfare or trying to get off welfare that the State is entitled to the first cut of any child support payment, even if the absent parent begins to pay back the child support that was owed before the family went on welfare?

This means that the state gets the support before a parent can buy new shoes for her child, before she can buy her child a new coat for the approaching winter, before she can buy groceries for her family, or pay the rent for the next month. So in the real world, not just a policy-oriented world, our current law regarding child support payments provides a disincentive for struggling parents to leave welfare, and it certainly provides no incentive for the absent parent to pay, much less catch up with, their child support bills. I wonder how we can realistically expect to foster a positive relationship between a custodial parent, and the parent paying child support, when the State is entitled to all of the support money.

The key provisions of the bill I am introducing today will allow states to pass through the entire child support collected on their behalf while a person is on welfare; will change how and when child support is ''owed'' to the states for reimbursement for welfare benefits; and will expand the child support collection provisions such as revoking passports for past-due child support.

We must ensure both non-custodial and custodial parents that child support payments are directly benefitting their children. This bill will enable families to keep more of the past-due child support owed to them and it will further the goals of the 1996 Welfare Reform Act by helping families to remain self-sufficient. This bill will give mothers leaving welfare an additional $4 billion child support collections over the first five years of full implementation. It will also lead to the voluntary payment by states of about $900 million over five years in child support to families while they are still on welfare.

Children are the leaders of tomorrow; they are the very future of our great nation. We owe them nothing less than the sum of our energies, our talents, and our efforts in providing them a foundation on which to build happy, healthy and productive lives. And, when appropriate, we need to help parents financially support and provide for their children. Because it simply makes little sense to ask people to be self-sufficient, to pay their child-support bills, and then to allow the State to collect all of that child-support.

I encourage my colleagues to take a serious look at this bill and pass it before we adjourn.

Mr. BAYH. Mr. President, I rise today with the hope that this important legislation will be addressed prior to the adjournment of this Congress. As an original cosponsor of the ''Child Support Distribution Act of 2000,'' I strongly support the promotion of responsible fatherhood and putting more money in the hands of families for their children. The House of Representatives has done their part by passing a similar bill 405 to 18. It is time for the Senate to act.

This bill incorporates provisions from a bill I authored, S. 1364, the ''Promoting Responsible Fatherhood Act,'' a bipartisan bill to help fathers and noncustodial parents provide emotional and financial support for their children. The provision in this bill to provide states with grants for fatherhood programs is essential to ensure smaller more localized programs receive funding and to provide each state with seed money to expand upon current fatherhood initiatives.

With the inclusion of fatherhood and media grants, this bill strikes an appropriate balance to address ''dead-broke'' fathers and ''deadbeat'' fathers. In order to help dead-broke fathers act responsibly, this bill authorizes grants to fatherhood programs to provide employment training and build upon parenting skills. Last year, I visited the Father Resource Program, run by Dr. Wallace McLaughlin in Indianapolis, Indiana. This program is a wonderful example of a local, private/public partnership that delivers results. It has served more than 500 fathers, primarily young men between the ages of 15 and 25, by providing father peer support meetings, premarital counseling, family development forums and family support services, as well as co-parenting, employment, job training, education, and life skills classes.

The fathers there were eager to tell me when I asked about the difference these programs have made in their lives and the lives of their children.

One said to me, ''After the six-week fatherhood training program, the support doesn't stop . . . I was wild before. The program taught me self-discipline, parenting skills, responsibility.''

Another said, ''As fathers, we would like to interact with our kids. When

they grow into something, we want to feel proud and say that we were a part of that.''

And yet another, ''The program showed me how to have a better relationship with my child's mother, and a better relationship with my child. Before those relationships were just financial.''

While the program's emotional benefits to families are difficult to measure, we do know it is helping fathers enter the workforce. Over 80 percent of the men who have graduated from the program are currently employed.

In addition, to grant programs that provide parenting skills, employment related training, and encourage healthy child-parent relationships there needs to be a cultural shift. This shift will only take place when society deems it unacceptable to evade one's responsibility as a father. This shift is necessary to motivate the ''deadbeat'' fathers to take responsibility for their children. In an effort to achieve this cultural shift, the ''Child Support Distribution Act of 2000'' includes $25 million for a media grant program that will allow each state to air television ads that convey the importance of fatherhood.

In addition, this bill expands upon the provision in S. 1364 to encourage states to pass-through child support funds directly to families that are currently on government assistance. This provision would provide an additional $6.2 billion in the hands of families and children over the next ten years. In addition, it will increase the likelihood that noncustodial parents will pay child support and allow children to benefit from their noncustodial parents' financial contributions. Making families self sufficient through the participation of both parents in their children's lives is the next step in welfare reform.

Society has been aware of the connection between fatherlessness and children experiencing social ills such as poverty, crime, and teen pregnancy for sometime now. However, the Federal Government continues to spend billions of dollars to address these social ills and very little to address the root causes of such social ills. In order to break the cycle of poverty, government dependance, and crime Congress needs to address fatherlessness and the breakdown of the family structure.

The investment called for in this legislation is fiscally responsible—it helps deal with the root causes, not just the symptoms, of many of the social problems that cost our society a great deal of money.

The cost to society of drug and alcohol abuse is more than $110 billion per year.

The federal government spends $8 billion a year on dropout prevention programs.

Last year we spent more than $105 billion on poverty relief programs for families and children.

The social and economic costs of teenage pregnancy, abortion and sexually transmitted diseases have been estimated at more than $21 billion per year.

All this adds up to a staggering price we pay for the consequences of our fraying social fabric, broken families and too many men not being involved with their kids.

The number of kids living in households without fathers has tripled over the last forty years, from just over 5 million in 1960 to more than 17 million today. Children need positive role models.

The House overwhelmingly declared their support for child support and fatherhood measures. I urge the Senate to declare their support for these measures and pass this legislation this year. I yield the remaining time to the floor.

Mr. KOHL. Mr. President, I rise today as an original co-sponsor of this important legislation, the ''Child Support Distribution Act of 2000,'' and am pleased to join with Senators SNOWE, BAYH, CHAFEE, MOYNIHAN and BREAUX in this effort to help build stronger families and improve our public child support system.

I want to thank and commend Senator SNOWE and the other co-sponsors for working with me to present this combined child support/fatherhood legislative package, containing child support provisions that are similar to my legislation, S. 1036, the ''Children First Child Support Reform Act.'' Both my bill and the legislation we are introducing today take significant steps to increase child support collections and to increase the support dollars that are delivered directly—or passed-through—to families involved in the public system.

In Fiscal Year 1998, the public child support system collected child support payments for only 23 percent of its caseload. This means that our nation's children are owed roughly $47 billion in over-due child support. Though every year we collect more, it is clear that our child support system is still not working as it should and that too many children still lack the support they need and deserve.

In 1997, I worked with my State of Wisconsin to institute an innovative program of passing through child support payments directly to families—and they have with great success. Wisconsin has found that when child support payments are delivered to families, non-custodial parents are more apt to pay, and to pay more. In addition, Wisconsin has found that, overall, this policy does not increase government costs. That makes sense because ''passing through'' support payments to families means they have more of their own resources, and are less apt to depend on public help to meet other needs such as food, transportation or child care.

And since 1997, I have worked to promote expansion of this policy to the other states. I contributed to the Administration's child support financing reform consultation process and urged the President to make pass-through expansion part of his budget for fiscal year 2001, which he agreed to do. I also worked to reach consensus on pass-through expansion with the states, children's advocates and fatherhood groups. These efforts led to my introducing bipartisan legislation last year on child support financing reform, S. 1036, that advanced many of the policies and principles incorporated into this legislation. I also testified on child support pass-through policy at a hearing before the Senate Finance Committee on July 25, 2000.

Though we've come a long way since the 1997 beginning of an expanded pass-through program in Wisconsin, we now have a key opportunity to encourage other states to follow Wisconsin's example. A House version of this child support/fatherhood legislation passed the House on September 7th by an overwhelming bipartisan vote of 405 to 18. On September 25th, I sent a letter to the Senate leadership, a letter co-signed by 21 of my Senate colleagues, urging the leadership to take action on child support and fatherhood policy reforms before the end of this legislative session. And it is our goal and my sincere hope that this bipartisan ''Child Support Distribution Act,'' which so closely resembles the House bill, will be approved by the Senate unanimously. This legislation will deliver over $6 billion in increased child support payments to families over the next ten years. And as my 21 Senate colleagues and I emphasized in our letter, we can and should move this legislation this year because our nation's children need and deserve nothing less.

While we all agree that the level of over-due child support is unacceptable, we also know that poor collection rates don't tell a simple story. There are many reasons why non-custodial parents may not be paying support for their children. Some are not able to pay because they don't have jobs or have fallen on hard times. Others may not pay because they are unfairly prevented from spending time with their children.

But other fathers don't pay because the public system actually discourages them from paying. As my colleagues may know, under the current system, nearly $2 billion in child support is retained every year as repayment for public assistance, rather than delivered to the children to whom it is owed. This policy has existed since 1975 when we designed the public child support system to recover the costs of welfare assistance. Once collected, those support dollars are split between the state and federal governments as reimbursement for welfare costs.

Since the money doesn't benefit their kids, fathers are either discouraged from paying support altogether or at least discouraged from paying through the formal system. And on the other side of the equation, mothers have no incentive to push for payment since the support doesn't go to them.

Our ''Child Support Distribution Act,'' just like my ''Children First Child Support Reform Act,'' attempts to address this problem. The legislation reforms child support policy so that families working their way off—or just off—public assistance, keep more of their own child support payments. With this bill, the federal-state child support partnership will embark upon a new policy era with a mission focused both on promoting self-sufficiency, rather than cost recovery, and on making child support payments truly meaningful for families.

We know that creating the right incentives for non-custodial parents to pay support and increasing collections has long-term benefits. People who can count on child support are more likely to stay in jobs and stay off public assistance.

Delivering or passing through child support directly to families would simplify the job for states as well. The states currently devote six to eight percent of what they spend to run the entire child support program—$250 million per year—on distributing collections. This has created an administrative nightmare. Right now, the states divvy up child support dollars into as many as nine pots. Under my proposal, states would have greater freedom to adopt a straightforward policy of collecting child support and delivering it to families, without costly and burdensome regulations.

Moving towards a simpler child support system that puts greater emphasis on getting funds to families is the right and most fair approach —for fathers, mothers, and children, and for all of us interested in making the child support program work. I urge my Senate colleagues to support this legislation this year, and I look forward to our working to deliver more child support resources to the children to whom they are owed so that all our communities benefit from healthier, happier children and stronger, more stable families.

Mr. BREAUX. Mr. President, I would like to express my strong support for the Child Support Distribution Act of 2000 introduced today in the Senate. I would also like to commend my colleagues on their efforts to reconcile the House-passed Child Support Distribution Act, H.R. 4678, with similar bills introduced in the Senate. I agree that it is imperative for the Senate to join the House in passing strong bipartisan legislation to strengthen the child support system and assist low income families by allowing them to retain child support payments. I also believe that it is important to encourage noncustodial fathers to take responsibility for their children's well-being and I am pleased that this legislation includes funding to states to develop programs promoting responsible parenthood.

I feel so strongly about this legislation because of the significance of child poverty in the United States, and particularly in my own State of Louisiana. According to the Children's Defense Fund, there are almost 366,000 children living in poverty in the State of Louisiana, almost 30 percent of the state's children. Over 33 percent of families in Louisiana have no father in the home and 40 percent of babies are born out-of-wedlock. Studies show that children who are raised with no father are five times more likely to live in poverty and twice as likely to commit a crime or commit suicide, as well as more likely to use drugs and alcohol or to become pregnant. It is time to break this cycle of child poverty. Strengthening the child support system, ensuring that money gets into the hands of the families that need it, and supporting programs that encourage responsible parenthood are important steps in addressing child poverty. I am pleased to cosponsor the Child Support Distribution Act and encourage the Senate to act on it this Congress. Thank you for this opportunity to voice my support for this important legislation.

ADDITIONAL COSPONSORS

S. 206

At the request of Mr. ASHCROFT, his name was added as a cosponsor of S. 206, a bill to amend title XXI of the Social Security Act to provide for improved data collection and evaluations of State Children's Health Insurance Programs, and for other purposes.

S. 768

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 768, a bill to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of the Armed Forces and civilians accompanying the Armed Forces outside the United States.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1969

At the request of Mr. CRAIG, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1969, a bill to provide for improved management of, and increases accountability for, outfitted activities by which the public gains access to and occupancy and use of Federal land, and for other purposes.

S. 2773

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2773, a bill to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

S. 3009

At the request of Mr. HUTCHINSON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3050

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 3050, a bill to amend title XVIII of the Social Security Act to make improvements to the prospective payment system for skilled nursing facility services.

S. 3101

At the request of Mr. ASHCROFT, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3101, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States.

S. 3119

At the request of Mr. WYDEN, the names of the Senator from Washington (Mr. GORTON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3119, a bill to amend the Act entitled ''An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes.''

S. 3131

At the request of Mr. MURKOWSKI, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 3131, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians and other health care providers that are attempting to properly submit claims under the medicare program and to ensure that the Secretary targets truly fraudulent activity for enforcement of medicare billing regulations, rather than inadvertent billing errors.

S. 3147

At the request of Mr. ROBB, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. 3152

At the request of Mr. ROTH, the names of the Senator from Georgia

(Mr. CLELAND), the Senator from Ohio (Mr. DEWINE), the Senator from Indiana (Mr. BAYH), the Senator from New York (Mr. SCHUMER), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3178

At the request of Mrs. FEINSTEIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3178, a bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same age that applies with respect to Federal law enforcement officers.

S.J. RES. 30

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

AMENDMENT NO. 4303

At the request of Mr. CAMPBELL, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of Amendment No. 4303 intended to be proposed to S. 2508, a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

SENATE CONCURRENT RESOLUTION 147—TO MAKE A TECHNICAL CORRECTION IN THE ENROLLMENT OF THE BILL H.R. 4868

Mr. ROTH submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 147

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 4868) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, the Clerk of the House of Representatives shall make the following correction:

On page 160, line 8, strike ''; and'' and all that follows through line 10, and insert a period.

SENATE CONCURRENT RESOLUTION 148—TO PROVIDE FOR THE DISPOSITION AND ARCHIVING OF THE RECORDS, FILES, DOCUMENTS, AND OTHER MATERIALS OF JOINT CONGRESSIONAL COMMITTEES ON INAUGURAL CEREMONIES

Mr. MCCONNELL (for himself Mr. DODD, and Mr. LOTT) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 148

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. RECORDS OF EACH JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES.

(a) IN GENERAL.—Upon the conclusion of the business of a joint congressional committee on Presidential inaugural ceremonies and the closing out of its affairs, all records, files, documents, and other materials in the possession, custody, or control of the joint committee shall be transferred subject to—

(1) such terms and conditions relating to access and use of such materials as the Committee on Rules and Administration of the Senate shall prescribe; and

(2) the provisions of Senate Resolution 474 (96th Congress, 2d Session).

(b) PRIOR RECORDS.—The records, files, documents, and other materials of any joint congressional committee on Presidential inaugural ceremonies in the custody of the Senate on the date of adoption of this resolution shall be shall be transferred subject to—

(1) such terms and conditions relating to access and use of such materials as the Committee on Rules and Administration of the Senate shall prescribe; and

(2) the provisions of Senate Resolution 474 (96th Congress, 2d Session).

SENATE CONCURRENT RESOLUTION 149—TO CORRECT THE ENROLLMENT OF H.R. 3244

Mr. MACK submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 149

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, shall make the following correction:

(1) In section 2002(a)(2)(A)(ii), strike ''June 7, 1999,'' and insert ''December 13, 1999,''.

AMENDMENTS SUBMITTED

EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT OF 2000

GRAMM (AND ENZI) AMENDMENT NO. 4305

Mr. WARNER (for Mr. GRAMM (for himself and Mr. ENZI)) proposed an amendment to the bill (H.R. 5239) to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

''Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking ''August 20, 1994'' and inserting in lieu thereof ''August 20, 2001''.''.

PRIVILEGE OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Joseph Reese be allowed floor privileges during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE LATE CONGRESSMAN HERB BATEMAN

Mr. ROBERTS. Mr. President, I rise on the Senate floor today to pay tribute and to really eulogize one of our colleagues from the House of Representatives and a personal friend. I am speaking of Herb Bateman, the late Congressman from America's First District, the First District of Virginia.

As most of my colleagues know, Herb passed away last month following a rich life of public service, family commitment, and 18 years of distinguished service in the House of Representatives. Herb had announced his retirement last January, and in doing so, he had received well-deserved accolades and awards and letters of appreciation. They were from virtually everyone whose life he touched—and he touched many from all walks of life. I might add, the letters of appreciation and thanks are still being sent to newspapers in his district.

From September 12 through 14, Members of the House paid a very deserved tribute to Herb, and in doing so, really captured the essence of the man. The essence, simply put, is that Herb epitomized integrity in public service. I commend these moving and very accurate portrayals of Herb Bateman to the attention of my Senate colleagues.

Let me also say that the comments by our colleagues in the House also represented a most appropriate segue to the services that were held for Herb in his hometown of Newport News. I am compelled to say that I have never attended services more appropriate, more moving, and more fitting in celebrating the life of someone so respected and so loved. I was privileged to join many of Herb's colleagues and my former colleagues in the House; Senator BUNNING; the distinguished senior Senators from Virginia, Senator WARNER and Senator ROBB; and hundreds of friends and relatives who were in attendance.

There simply wasn't enough room in Our Lady of Carmel Catholic Church in Newport News last September 15 to hold all of Herb Bateman's friends and constituents who joined his wife Laura and their family, yes, to mourn his loss, but also to pay tribute and celebrate his life.

The remarks by Monsignor Michael D. McCarron were not only appropriate and especially uplifting in their religious context, providing Herb and Laura's family and all of us in attendance the strength and faith that we needed, but they also captured with humor and grace the perspective of one's life devoted to public service.

Herbert H. Bateman Jr., ''Bert'' Bateman, eulogized his Dad in moving remarks that only a loving son could give. Bert's eulogy was a gift of solace and comfort to his mother, his family, his sister Laura and her family, to all

of the relatives present—and with regard to that special father-son relationship we all would hope for—it was a gift to us all.

The last speaker during the service for Herb Bateman, was his long time Chief of Staff, Dan Scandling. And, it is Dan's eulogy that I am going to ask to be put in the RECORD today.

I do so for a special reason. Dan Scandling's remarks are not only a fitting tribute to his boss, Congressman Herb Bateman, they also speak for all of the Bateman staff members during 18 years of Herb's distinguished service. They speak for Dan, and they speak for his long-time and valued executive assistant, Peggy Haar, and for all of the staffers who served Herb so well during his 18 years in the House of Representatives. After hearing Dan speak, I believe his comments also represent that special relationship that most congressional staff members have with their congressman or their senator.

My appreciation for Dan Scandling's remarks, like others who are privileged to serve in this body, are because I am a former staffer—or as we say in Kansas, a bucket toter, if you will, in my case working for both a Senator and my predecessor in the House of Representatives. In each case, my boss was the Senator or the Congressman. So it was and is for Dan and all of the Bateman staff. They admired and loved him and their work demonstrated that and in turn their work earned the respect and gratitude of the people of America's First District.

I am fond of saying that there are no self-made men or women in public office; that it is your friends who make you what you are. In this respect Herb was indeed a self-made man but also made better by his friends, more particularly his staff. I am also fond of saying you are only as good—in terms of accomplishment and making a difference—as your staff. Herb accomplished much and made a difference.

Dan Scandling captured those thoughts and much more in his moving tribute to his boss, Congressman Herb Bateman. His personal tribute to Laura Bateman, a great lady, was especially appropriate and captured Herb's commitment and love for his wife.

Dan summed up the life of Herb Bateman and his public service attributes as only a trusted aid could do—Herb's credibility, integrity, his hard work and commitment to his fellow man. He also reflects on their personal relationship with honor and affection.

Mr. President, I ask unanimous consent that the eulogy given by Dan Scandling on behalf of his friend, mentor and boss, Congressman Herb Bateman be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

So many things come to mind when you think of Herb Bateman.

Congressman. State Senator. Colleague.

Statesman. Virginia Gentleman. Devoted Public Servant.

Boss. Golfing Partner. Friend.

And lest no one forget: ''America's First District.''

There also is the much more private side of Herb Bateman.

Husband. Father. Grandfather.

One of the first things that struck me about Mr. Bateman when I came to work for him 10 years ago was his unwavering devotion to Laura.

I can still vividly remember one of the first times she came into the office. We were just wrapping up one of those marathon meetings that all you Members so deeply cherish when Laura walked in.

Herb got up from behind his desk, walked over to her, reached for her hand, gave her a kiss on her cheek and then asked how her day was.

I quickly learned this wasn't just a one-time thing.

Nothing was as important as making sure Laura had had a good day.

I only wish I was half as attentive to the needs of my wife.

Laura was the most important thing in Herb's life. The two were inseparable. Wherever Herb went, Laura went. Whether it was travel overseas, a trip to the Eastern Shore or back and forth to Washington, the two of them were always together.

Laura was very important to Herb's political career—particularly when it came to keeping names and faces straight.

Herb was terrible with names. He always insisted on name tags at every event he hosted.

Laura, on the other hand, is the master of remembering names and faces. No matter where they were, or who they ran into, it is like instant recall. She can always place a name with a face. You politicians in the audience today should be jealous.

I know one certain Chief of Staff who owes his congressional career to Laura because she remembered his name and face.

Bert and Laura, you have no idea how proud your father was of you. Not a day went by that he wasn't telling me about how one of you had gotten a better job, or a promotion, or had landed a big, new account.

Bert, he was particularly proud of your desire—and commitment—to make Newport News a better place to live and work. He was proud that you were willing to give so much of yourself to your community.

And he also was proud of how good a husband—and father—you are.

Laura, nothing brought a bigger smile to your father's face than for him to run into one of his former colleagues from the Virginia Senate and have them tell him how great a job you do in Richmond and beyond.

He was so proud of how successful you have become.

Then there is ''Poppy.'' Herb loved his grandchildren. Emmy, Hank and Sam—you were the apples of his eye.

Just last week he was boasting how Emmy had won a tennis tournament at the club and was so pleased that Hank had taken up running cross country. Every summer I would get the updates on all the ribbons the two of you would win at swim meets.

Hank, I think your grandfather has high expectations from you on the athletic field. I know you won't let him down.

Emmy, I know your ''Poppy'' wishes for you the same success that his daughter has had.

Sam, your ''Poppy'' was so excited about your first day at school. He was looking forward to getting home last weekend to hear all about it first-hand.

I know this week has not been easy. It wasn't supposed to happen this way. I know you feel somewhat cheated because ''Poppy'' was finally going to be able to spend more than just the weekends in Newport News. There would be no more of this nomadic life of leaving for Washington every Monday morning only to return home sometime Friday—then do it all over again two days later.

But look around this church. Look how many people are here. Everyone here loved your ''Poppy.''

It's like one huge ''thank you'' for sharing him with us.

Thank you for all those times he left you—his family—to go work an 80-hour week in Washington;

To go to a parade somewhere at the other end of the District on a Saturday morning;

To go to some god-awful chicken dinner fund raiser;

To go shake hands at the shipyard gates at 6 a.m. on some rain-soaked morning in the dead of winter.

Thank you for sharing him with us. Thank you for the sacrifices you made.

I worked for Herb Bateman for 10 years. Over that time we grew to be pretty close. I think it would probably be fair to say he considered me part of the family.

There aren't too many places in America's First District that he and I haven't been to together, and there aren't too many things we haven't discussed.

Of all the things that have been ingrained in my head over the last 10 years, it's that credibility is everything.

Once you lose your credibility, you lose everything. If people cannot take you at your word, then your word is nothing.

Perhaps that explains why he was such an effective legislator, and why when he announced his retirement last January, letters, faxes and e-mails poured into his office thanking him for his dedicated service.

He got letters from Admirals, Generals, captains of industry and politicians on both sides of the aisle. He got letters from long-time friends and associates. And most significantly, he got letters from hundreds of his constituents. All them were effusive in their praise.

Credibility meant everything to Herb Bateman. I know that first hand. I know it guided each of his decisions, whether it was on a controversial issue before Congress or a contentious political issue.

He would have been pleased to hear how his colleagues described him during Tuesday evening's tribute on the floor of the House.

I couldn't help but smile as I saw Member after Member get up and talk about his integrity.

Perhaps Congressman Burton said it best:

''Herb was a man, who if he gave his word on anything, you could take it to the bank. Herb was not one of those guys that played both sides of the fence. He was a man of integrity—impeccable integrity—and one that all of us respected.''

More than anything else—any aircraft carrier, any submarine, any bridge, any Corps of Engineers' project—Herb would want to be known for his integrity.

Obviously, he has.

Herb had two vices in life. A good steak, and golf.

Man, did he love a good steak. New York Strip. Medium rare.

He always ordered french fries with his steak—extra crisp, please or potato sticks if you have them.

If I was invited over to Shoe Lane for dinner it usually meant a good steak on the grill—and potato sticks!

If I was invited out for a steak in Washington, it usually meant someone in the office was in trouble.

I used to cringe when he would come up behind me, put his hand on my shoulder and say, ''Dan, let's go have a steak.''

He always enjoyed his meal. I can't say the same.

The there was golf. Next to Laura, golf was his passion.

Like most us, he wasn't very good, but that didn't matter. He just loved to play. He loved being outdoors. He loved meeting new playing partners.

And he loved mulligans!

Herb played golf to relax. He didn't talk about work on the golf course. He didn't take a cell phone. He never carried a pager. Golf was for fun. If you were on the golf course, you were there to enjoy yourself.

If Herb were ever elected President, I bet one of the first things he would do would be to issue an Executive Order prohibiting cell phones on the golf course.

For all those golfers here today, I have one special request. The next time you play golf, as tribute to Herb, leave your cell phones and pagers in the car.

Take the time to relax and enjoy the people you are playing with. I have made a promise to myself never to take a cell phone with me on the golf course again. I hope I can live up to it.

Oh, and take a couple of mulligans too.

I want to close by touching on some of the things that Herb did that no one knew about, that never made any headlines, that never got him a vote.

Herb liked helping people. He always stressed to his staff that constituent service was the most important part of his job—and their job.

He always reminded us that he worked for the people of America's First District and it was his job to help them when they had a problem.

I could recount hundreds—if not thousands—of cases where Herb got personally involved. One that always comes to mind involved a woman from Williamsburg whose husband had died and was buried in Arlington Cemetery. The woman's husband had been an Air Force pilot and she asked that he be buried in the section in Arlington where you could have different types of tombstones.

Soon after his funeral she went about designing a tombstone that she thought would be a fitting tribute. The cemetery approved the design and she had the stone carved. When the store arrived at the cemetery several weeks later, cemetery officials did a complete 180 and told her she couldn't use the stone.

Somehow, a columnist at the Washington Post caught wind of the situation and a story appeared in the paper. Herb saw it and asked me what I knew about it. After a few quick calls, it was evident the woman hadn't contacted us. But to Herb, that didn't matter.

Within a matter of minutes, Herb, me and another staffer were in a car headed over to Arlington. We drove through the cemetery where the woman's husband was buried, got out looked at some of the other tombstones then headed back across the river.

Upon returning to the office, Herb immediately called the Superintendent at Arlington and presto, the issue was resolved.

When I called the woman to tell her the cemetery officials had relented, I asked why she didn't call us. She said she didn't want to burden the Congressman with her problem.

To Herb, it wasn't a bother; it was a pleasure. It was all about helping the people he represented.

The Congress has lost more than an outstanding Member, it has lost a warm, caring individual who served his nation with great honor and distinction.

God bless Herb, his family, and America's First District.

Mr. ROBERTS. Mr. President, I commend his remarks to all Senators and more especially all staff in both the House and Senate. It captures that special relationship—the analogy might be—my boss, right or wrong—my boss. In the case of Herb Bateman and Dave Scandling the rightness of their work was 100 percent—there was no wrong.

In closing, I would like to quote Helen Steiner Rice to Laura Bateman, to the family, to the staff, and to the friends and constituents of Herb Bateman, my friend.

When I must leave you for a little while,
Please go on bravely with a gallant smile
And for my sake and in my name,
Live on and do all things the same—
Spend not your life in empty days,
But fill each waking hour in useful ways—
Reach out your hand in comfort and in cheer,
And I in turn will comfort you and hold you near.

I would be happy to yield to the distinguished Senator from Virginia.

Mr. WARNER. Mr. President, I simply want to say to my very dear friend, I ask that I be associated with his remarks. It was a privilege to be on the floor at the time the Senator from Kansas delivered his remarks. In my 22 years in this great institution, the Senate, I have never known a Member of Congress who tried harder to work on personal relationships than my good friend from Kansas.

He is so respected in this institution, as he was in the House. To have him stand in tribute to one of our mutual friends of long standing for all of these years I have been in the Senate—I think maybe Herb's 20 years versus my 22 years. Whatever it is, it is inconsequential. I worked with him.

I was so pleased to go down to visit his lovely wife and his children. I have seen his children grow, as the Senator from Kansas has, and I was privileged to be at the service with the Senator and some others from the Congress of the United States. What a fine, fine person he was, and most deserving of the outpouring of heartfelt expressions at that memorial service. I spoke to his widow not too long ago. She is a woman of great strength, as are the children, and it will carry on.

I would like to work with my colleague and other Members of the House and the Senate at the appropriate time—which I think will have to be next year—to name something related to defense in honor of our most recently departed colleague and friend.

I thank the Senator.

Mr. ROBERTS. Mr. President, I thank the distinguished chairman, my friend and colleague, for his comments.

I wasn't planning on doing this. But I might just provide the chairman with a reflection. As he knows, we were in conference on the Defense authorization bill—the bill we are trying to get finished here. It is so essential to our Nation and our national security. There was not anybody in Congress who worked harder or who was more effective in regard to national security than our dear friend, Herb Bateman.

The Subcommittee on Emerging Threats on the Senate side, of which I am accorded the privilege of being the chairman, was meeting with several other subcommittee chairmen because the House does not follow suit in terms of our organization or duties and we think the Emerging Threats Subcommittee, which was largely formed out of the leadership of the distinguished chairman, encompasses so many different things that are so important to our national security. We were meeting in conference. The distinguished gentleman from the First District of Virginia came in, and he was a tad late. The only amendment we had that was still outstanding was the Bateman amendment. I asked Herb if it was a little late for his tee time. He laughed and said: No, not today but tomorrow.

I informed all those present that the Senate had strong feelings about Mr. Bateman's amendment—very strong feelings—and, despite that, we would accept the amendment under one reservation. Herb was a little concerned because it was a very fine amendment. He looked at me and said: Well, Mr. Chairman, PAT, friends and colleagues from the House, what would that reservation be? I said: Only if we call your amendment the ''Herb Bateman Common Sense Amendment.'' Obviously, it was agreed to and passed.

That was on a Thursday. We lost Herb over that weekend—something I could not believe as I came to work on Monday. But as I reflect back on that, it was probably his last amendment, and it was ''common sense,'' as he always stood for.

So from that standpoint, I think the distinguished chairman's suggestion about what we do in the next Congress is most appropriate. I appreciate his contribution.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, if I might say to my good friend, Herb and I played a game of golf, which he dearly loved. He had his priorities—his family, his church, and work in Congress. He was the only man I played with, as others have, and whom I ever knew of, who could miss a 2-foot putt and still walk off the green with a smile on his face. He always said, well, tomorrow, or the next putt on the green, it will be a better day. But that was the sort of wonderful, even-tempered, absolutely beautiful man he was in terms of his character.

I thank my colleague. I have enjoyed these few moments. He loved the Navy. He loved everything connected with the sea and maritime. How many times we heard him give the speech: And I'm the Congressman from the First Congressional District.

I yield the floor, and 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. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEBT REDUCTION AND SPENDING CUTS

Mr. VOINOVICH. Mr. President, in a few short weeks, it will have been two years since the people of Ohio elected me to represent them in the United States Senate. One of the main reasons I wanted to serve in this body was to have an opportunity to bring fiscal responsibility to the nation's capital and eliminate the gigantic debt burden that we have put on the backs of our children and grandchildren.

As my colleagues know, for decades, successive Congresses and Presidents spent money on things that, while important, they were unwilling to pay for, or, in the alternative, do without. In the process, Washington ran up staggering debt, and mortgaged our future.

Today, we have a $5.7 trillion national debt that is costing us $224 billion in interest payments a year, and that translates into $600 million per day just to pay the interest.

Out of every federal dollar that is spent, 13 cents will go to pay the interest on the national debt. Think of that. In comparison, 16 cents will go for national defense; 18 cents will go for non-defense discretionary spending; and 53 cents will go for entitlement spending. Right now, we spend more federal tax dollars on debt interest than we do on the entire Medicare program.

As the end of the 106th Congress draws near, I look back with mixed feelings at the actions that this Congress has made towards bringing our financial house in order. While we have made some strides in paying down the national debt, there is a lot more that we could have done. For example, we could have done a much better job of reining-in federal spending. Regretfully, we have done the opposite.

What many Americans don't realize is the fact that Congress increased overall non-defense domestic discretionary spending in fiscal year 2000 to $328 billion. That's a 9.3 percent boost over the previous fiscal year, and the largest single-year increase in non-defense discretionary spending since 1980.

In an effort to bring spending under control, my friend, Senator ALLARD, and I offered an amendment this past June to direct $12 billion of the FY 2000 on-budget surplus dollars toward debt reduction. While that amendment passed by a vote of 95–3, the victory did not last long—all but $4 billion of that $12 billion was used for other spending in the Military Construction Appropriations Conference Report.

Nevertheless, we have had reason to celebrate some good news. Just last year, many of us fought to ''lock box'' Social Security. In spite of the fact that many of my colleagues on the other side of the aisle defeated the bill, Congress did, though, for the first time in three decades, not spend a dime of the Social Security surplus.

I have to say that I take great offense at the fact that the Vice President is out there taking credit for ''lock boxing'' Social Security and Medicare. My colleagues—and indeed the American people—should be aware that, in fact, it was this administration—the Clinton-Gore administration—that sent a veto threat to the Senate regarding the Abraham/Domenici Social Security ''lock box'' amendment that we considered in April of 1999.

Here is the direct quote from that veto threat: ''. . . If the Abraham/Domenici amendment or similar legislation is passed by the Congress, the President's Senior Advisors will recommend to the President that he veto the bill.'' I would presume that the term ''Senior Advisors'' would include the Vice President.

Although Congress has agreed by consensus not to use the Social Security surplus for more spending, Congress, still has not been able to pass ''lock box'' legislation. And because Congress has not passed a ''lock box'' bill, I am fearful that if things get tight in the future, Congress will revert to its old ways.

Probably the best news from fiscal year 2000 is that despite spending roughly $20 billion of the on-budget surplus this past summer, Congress did not touch the additional $60 billion on-budget surplus that CBO announced in July. In other words, when fiscal year 2000 came to an end on September 30th, that $60 billion on-budget surplus had not been spent nor used for tax cuts. Instead, it will go towards reducing the national debt.

When on-budget surplus funds are used to lower the debt, it sends a positive signal to Wall Street and to Main Street that the federal government is serious about fiscal discipline. It encourages more savings and investment which, in turn, fuels productivity and continued economic growth.

All the experts say that paying down the debt is the best thing we could do with our budget surpluses. Indeed, CBO Director Dan Crippen said earlier this year: ''most economists agree that saving the surpluses and paying down the debt held by the public is probably the best thing that we can do relative to the economy.''

I would like to say Mr. President, in the last month or so, I have had the opportunity to meet with director Crippen in my office a couple of times, including, most recently, this morning. He said that the only way we were going to be able to deal with the wave of Social Security and Medicare benefits that we will have to pay when the ''baby boomers'' start to retire, is to reform Social Security and Medicare, and most important, we should undertake policies that encourage a robust, growing economy. And as far as I'm concerned, paying down the national debt is the best way that we can foster a robust growing economy.

Mr. President, in today's Washington Post, columnist David Broder, touched on this same theme in reporting about the need to exhibit fiscal responsibility. In case my colleagues have not read the article, I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1)

Mr. VOINOVICH. In addition, just yesterday, the Congressional Budget Office released its report, entitled ''The Long-Term Budget Outlook.''

That report states that, ''projected growth in spending on the federal government's big health and retirement programs—Medicare, Medicaid and Social Security—dominates the long-run budget outlook. If current policies continue, spending is likely to grow significantly faster than the economy as a whole over the next few decades. By 2040, CBO projects those outlays will rise to about 17 percent of gross domestic product—more than double their current share.''

The report goes on to say, '''saving' most or all of the budget surpluses that CBO projects over the next 10 years—using them to pay down debt—would have a positive impact on the projections and substantially delay the emergence of a serious fiscal imbalance.''

I believe that each of my colleagues should read this report because it might make them consider the consequences of all the spending that's going on in this body and help make the argument for more fiscal restraint in these last days of the 106th Congress. Therefore, Mr. President, I encourage my colleagues to look up the CBO report, ''The Long-Term Budget Outlook,'' at the CBO website, www.cbo.gov.

Mr. President, I am a firm believer in the phrase, ''prepare for tomorrow, today,'' and I believe that anytime we have an opportunity to enhance our future economic position, we cannot squander that opportunity. That is why I am deeply disappointed that the Senate is not going to consider the Debt Relief Lock-Box Reconciliation Act for Fiscal Year 2001, H.R. 5173. This is a bill that passed in the House of Representatives by a vote of 381–3, and which would have taken 90 percent of the fiscal year 2001 surplus and used it strictly for debt reduction.

As my colleagues know, the Congressional Budget Office has projected that in fiscal year 2001, the United States will have a surplus of $268 billion, including an on-budget surplus of $102 billion.

Under H.R. 5173—or the ''90–10'' bill as it has been called—$240 billion of the $268 billion projected surplus would go toward paying down the national debt. By using such a substantial amount of the surplus for debt reduction, Congress would be officially ''lock boxing''

not only the Social Security surplus, but the Medicare surplus as well. Thus, some $198 billion—the amount CBO predicts—will be in surplus for those two funds.

In addition to ''lock-boxing'' Social Security and Medicare, the legislation would appropriate $42 billion of the fiscal year 2001 on-budget surplus projection toward debt reduction.

The remaining 10 percent—or $28 billion—would be divided and used to cover whatever tax cuts or necessary and reasonable spending increases that needed to be made.

Even though it is not perfect legislation, I support H.R. 5173, because in my view, it is the best chance for Congress this year to make another significant payment on the national debt while keeping a tight lid on spending. Unfortunately, the ''90–10'' bill has never achieved the same kind of support here in the Senate as it did in the House, and therefore, the types of controls the bill would have put on spending will not be enacted in the Senate.

Instead, I fear that with the end of session ''rush to get out of town,'' Congress and the President are engaged in a spending spree the likes of which we haven't seen since LBJ's Great Society. While I am concerned that the President wants additional spending, I am particularly alarmed at the fact that many of my colleagues are trying their hardest to outspend the President. Under this scenario, it's no wonder H.R. 5173 never had a chance.

Although we have not yet passed all of the fiscal year 2001 appropriations bills, the amount that spending has increased in the bills that have been passed is quite disturbing: particularly when compared to the Consumer Price Index, which is 2.7 percent.

For instance, the fiscal year 2001 Energy and Water appropriations bill that was just vetoed spends 12 percent more than its FY 2000 counterpart; the FY 2001 Interior appropriations bill represents a 26 percent increase; and the FY 2001 Transportation appropriations bill that we passed last Friday increased its discretionary spending by about 25 percent. So far, Congressional spending in fiscal year 2001 is on-track to make the 9.3 percent fiscal year 2000 non-defense discretionary spending increase look like ''chump change.''

I would like to say to the citizens of Ohio that there are many good things in those bills that I would have liked to support, but spending increases of this kind are just outrageous.

What we should have been doing with these appropriations bills is prioritizing our spending and living within the budget resolution that we passed in the beginning of the year. Maybe I should ask my colleagues, if we are not going to live within the parameters of the budget resolution, then why did we spend to much time on it?

If, when I was Governor, I had ever gone to the Ohio legislature and told them I wanted to increase the budget by 25 or 26 percent, they would have impeached me. The editorial writers would have said I had gone crazy, especially when my mantra when I came into office was, ''gone are the days when public officials are measured by how much they spend on a problem. The new realities dictate that public officials are now judged on whether they can work harder and smarter and do more with less.''

And Mr. President I hate to think what the voters would have done to me.

Many of my colleagues do not seem to consider that each separate appropriations bill adds-up. There is no sense of concern that one particular appropriations bill increases its spending from FY 2000 by 20 percent, because it's only $2 billion to $3 billion more than last year. Or, some may say we need to spend an extra billion dollars or so on this or that program because we have a huge surplus and we can afford it.

In a $1.7 trillion overall budget, I can see how someone may got caught up in that logic.

However, in the words of Everett Dirksen:

A billion here, and a billion there, and pretty soon you're talking about real money.

It is all real money—real taxpayer's money. Congress and the President have got to admit that we cannot fund everything that we want. We have got to make hard choices with respect to spending if we are ever going to bring our debt under control.

The American people know that the spending Congress is engaged in right now must be accounted for somewhere, because they know there is no such thing as a free lunch. They know that ultimately they are the ones paying for what I like to refer to as a Congressional ''feeding frenzy.''

They want us to make the hard decisions and most of all, they want us to pay down the national debt. When I go home to Ohio my constituents say to me: Senator, we want you to pay down the national debt.

On one other last note, Mr. President—if you take the 9.3 percent increase in non-defense discretionary spending from fiscal year 1999 to fiscal year 2000, and the rate of increase projected in the fiscal year 2001 budget, we are blowing a big hole in the CBO 10 year projected budget surplus.

The 10 year CBO budget surplus is predicated on a 2.7 percent increase in Federal spending over 10 years.

We must remember that the on-budget surplus also includes the Medicare surplus, and if we are ever successful at passing Medicare ''lock box'' legislation, those funds will be off the table for spending. Consider also the Medicare giveback which we must have to stabilize this country's healthcare system which will also take part of the 10 year budget surplus; a prescription drug benefit that everyone agrees we must implement which will also take part of the 10 year budget surplus; we must spend more money to stabilize and improve our national defense which will also take part of the 10 year budget surplus.

If you add up all of the numbers, including appropriations bills that have passed and those that are anticipated to pass and include the projected $200 billion worth of tax reductions for the next 10 years, as well as the additional interest costs generated by Congress' spending and reducing taxes, then Congress will have reduced the 10 year projected budget surplus by some $750 billion. Let's not let that happen.

If Congress intends to spend money on implementing programs, we need to tighten our belts on our current spending and not squander our on-budget surplus on the kinds of wasteful spending included in the various fiscal year 2001 appropriations bills. We cannot forget that we are facing a Social Security and Medicare funding crisis in the near future, and if we can't prioritize our spending now, we will not be able to keep these programs solvent at their current level of benefits. The young people here who are pages will have that burden right on their backs.

That's why I believe the best course of action we can take is to use whatever on-budget surplus we achieve to pay down the national debt.

For three decades, we borrowed from our children, mortgaging their future for our present. And now, when times are good and we have the most ideal situation to set things right, we cannot continue down the same flawed path as before. Have we learned nothing?

Our current economic situation is our second chance to pay our children what we owe and ensure fiscal solvency for future generations. We have an obligation to our children—indeed, a moral obligation—to pay down the national debt and rein-in our spending in order to give them back their competitive edge. If we do not act now, I fear we will not get another chance to do the right thing.

EXHIBIT 1

[From the Washington Post, Oct. 11, 2000]

HEEDLESS OF THE DEFICITS AHEAD

(By David S. Broder)

On the morning after last week's vice presidential debate, Charles O. Jones, the University of Wisconsin political scientist and scholar of the presidency, remarked that the nation had witnessed ''a great civic event,'' a civil, substantive discussion of serious policy matters between two highly competent public officials, Joe Lieberman and Dick Cheney.

In fact, Jones said, ''we are having a good election, something you don't often get in good times.'' Contrast the contest being waged by Al Gore and George W. Bush, he went on, with the last race conducted in a healthy economy and at a time when no incumbent president was on the ballot.

That would be 1988, when the father of the current Republican nominee squared off, as vice president, against Massachusetts Gov. Michael Dukakis. If the winning campaign of 1988 is remembered at all, the enduring images are the flag factories the elder George Bush visited in an implicit challenge to Dukakis's patriotism and the Willie Horton ads his supporters aired. And the hapless Democratic effort was symbolized by

Dukakis's tank ride and his lame, emotionless answer to Bernard Shaw's question about how he would respond if someone raped and murdered Kitty Dukakis.

We've come a long way from that, with the four nominees for president and vice president arguing about such genuinely important topics as defense, education, Social Security and health care.

But before we get too giddy in celebrating our good fortune, let it be noted that historians are almost certain to remark on the purposeful myopia of the candidates in this first election of the new millennium, their deliberate refusal to acknowledge and discuss one of the biggest realities of our national life: The glorious federal budget surpluses they are happily parceling out for their favorite programs and tax cuts are a short-term phenomenon, soon to be followed by crippling deficits, unless we make some hard choices in the next few years.

In this respect, the 2000 campaign is reminiscent of 1988—but worse. In that year, Dukakis and the elder Bush avoided discussing the savings and that year, Dukakis and the elder Bush avoided discussing the savings and loan crisis both of them knew was around the corner. The reason: There were no easy answers, just bad news and an expensive bailout in store.

What we now confront is much, much bigger than the savings and loan bailout. Its dimensions were outlined last week in a report from the nonpartisan Congressional Budget Office (CBO)—a report that did not make the front page of any of the papers I read and that was ignored by most of the TV news shows.

Here's what it said: Assuming that the new president uses the expected surplus in Social Security of $2.4 trillion over the next 10 years to pay down the national debt, as Gore and Bush say they will do, the government may be able to balance its books until about 2020.

But then the retirement and health care costs of the huge baby boom generation and the shrinkage in the number of Americans working and paying taxes will once again create a serious imbalance—and push us back into debt.

In the estimate of the CBO, ''If the nation's leaders do not change current policies to eliminate that imbalance, federal deficits are likely to reappear and eventually drive federal debt to unsustainable levels.'' A chart accompanying the report shows the public debt in 2040 rising to 60 percent of the estimated size of that year's economy—creating a burden on the next generation of Americans half again as large as the accumulated debt of the past is on us.

As The Post's Glenn Kessler noted in his news story, ''The report underscores how campaign rhetoric has become increasingly separated from the budget reality that will face the next president.'' While Bush pushes his trillion-dollar tax cut and tries to keep up with Gore's promises of new prescription drug benefits, 100,000 teachers and 50,000 cops, neither one is preparing the public for the steps that are needed to rein in runaway health care costs—the largest single force driving us back into deficits.

By 2040, according to the best available data, the percentage of Americans over 65 will rise from 13 percent to almost 21 percent. The share of working-age Americans, between 20 and 64, will decline by 3 points of slightly over 55 percent. The ratio of workers to retirees will drop from almost 5 to 1 down to less than 3 to 1. Unless we begin now to reorganize our dysfunctional health care system and take steps to rationalize provisions for retirement income, the demographic wave will sink us.

Someone has to force the candidates to confront that reality.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 106th Congress, to be held in Berlin, Germany, November 17–22, 2000: The Senator from Iowa, Mr. GRASSLEY; the Senator from Arkansas, Mr. HUTCHINSON; the Senator from Maryland, Mr. SARBANES, and the Senator from Maryland, Ms. MIKULSKI.

NATIONAL MUSEUM OF THE AMERICAN INDIAN COMMEMORATIVE COIN ACT OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4259, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4259) to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4259) was read the third time and passed.

EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5239 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5239) to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4305

Mr. WARNER. Mr. President, Senators GRAMM and ENZI have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRAMM, for himself and Mr. ENZI, proposes an amendment numbered 4305.

The amendment is as follows:

(Purpose: To provide for a simple one-year extension of the Export Administration Act of 1979)

Strike all after the enacting clause and insert in lieu thereof the following:

Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking ''August 20, 1994'' and inserting in lieu thereof ''August 20, 2001''.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4305) was agreed to.

The bill (H.R. 5239), as amended, was read the third time and passed.

PROVIDING FOR DISPOSITION AND ARCHIVING OF RECORDS OF JOINT CONGRESSIONAL COMMITTEES ON INAUGURAL CEREMONIES

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 148, submitted earlier today by Senator MCCONNELL.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 148) to provide for the disposition and archiving of the records, files, documents, and other materials of Joint Congressional Committees on inaugural ceremonies.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, earlier this year the Joint Congressional Committee on Inaugural Ceremonies held an organizational meeting to officially begin preparations for the next Presidential Inauguration hosted by Congress to be held on Saturday, January 20, 2001.

Next year marks more historic milestones as it will be the 200th anniversary of the first Presidential Inauguration in our Nation's Capital, the first Presidential Inauguration of the 21st Century, and, not least of all, the first inauguration of the new millennium. 2001 also marks the 100th birthday of the Joint Congressional Committee on Inaugural Ceremonies, an entity which I am greatly honored to serve as Chairman.

As we approach adjournment for this Congress, let us look forward with great anticipation and excitement to our Nation's 54th Presidential Inauguration and celebrate this remarkable American tradition in which the peaceful transference of power takes place with all our citizens as witnesses.

In 1789, our Nation's Father and first President, George Washington, recited the oath of office on the Balcony of Federal Hall in New York City. By 1801, the seat of the U.S. Government had moved from New York City, to Philadelphia, and finally to Washington, D.C.

On March 4, 1801, Thomas Jefferson became the first President to be inaugurated at the U.S. Capitol in Washington, D.C., in a room now known as the ''Old Supreme Court Chamber.'' In 1829, Andrew Jackson became the first President to be inaugurated on the East Front of the Capitol, where the majority of swearing-in ceremonies continued to take place until the late twentieth century. It was not until President Ronald Reagan's inauguration on January 20, 1981, that the swearing-in ceremony moved to the West Front of the Capitol where larger crowds could be accommodated. Though below-freezing temperatures in 1985 forced the second Reagan inaugural ceremony inside to the Capitol Rotunda, the West Front set the standard for the next three Congressionally hosted ceremonies. The 2001 Presidential inaugural ceremonies will continue that tradition.

It is interesting to note that until 1901 the Presidential inaugural ceremonies were planned and conducted solely by the Senate. A century later, the Joint Congressional Committee on Inaugural Ceremonies brings together the Senate and the House of Representatives in welcoming America's President-elect to the Capitol for the public swearing-in ceremony.

Upon undertaking this endeavor, it became apparent that steps needed to be taken to direct that the important historic materials generated by the JCCIC were preserved. For a committee reconstituted every four years, these documents are critical tools for conducting this massive quadrennial event. To ensure these materials are preserved in an appropriate manner, I am introducing a resolution to establish the procedures for archiving the records of the Joint Congressional Committee on Inaugural Ceremonies.

Mr. President, I ask unanimous consent that a press release which documents the May 24 organizational meeting of the Joint Congressional Committee on Inaugural Ceremonies and the text of Senate Concurrent Resolutions 89 and 90 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATOR MITCH MCCONNELL NAMED CHAIRMAN OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

WASHINGTON, DC.—U.S. Senator Mitch McConnell (R–KY), Chairman of the Senate Committee on Rules and Administration, today was appointed Chairman of the Joint Congressional Committee on Inaugural Ceremonies.

Joining McConnell on the committee are Majority Leader Trent Lott (R–MS), Senator Christopher Dodd (D–CT), Speaker of the House J. Dennis Hastert (R–IL), House Majority Leader Richard Armey (R–TX) and House Minority Leader Richard Gephardt (D–MO).

The members met today and appointed McConnell as the Chairman of the Joint Congressional Committee, approved the committee's budget and selected the West Front of the Capitol for the location of the ceremony. McConnell is the third Kentuckian to Chair the Congressional Committee since it was formed in 1901.

''I am truly honored to have been selected as Chairman of this Congressional Inaugural Committee,'' said McConnell. ''I look forward to the extraordinary privilege of planning the first Presidential Inauguration of the 21st century.''

The JCCIC is charged with the planning and execution of the Inaugural activities at the Capitol: the swearing-in ceremony and the traditional luncheon which follows.

The Presidential Inauguration will be held Saturday, January 20, 2001.

S. CON. RES. 89

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ESTABLISHMENT OF JOINT COMMITTEE.

There is established a Joint Congressional Committee on Inaugural Ceremonies (in this resolution referred to as the ''joint committee'') consisting of 3 Senators and 3 Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively. The joint committee is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on January 20, 2001.

SEC. 2. SUPPORT OF THE JOINT COMMITTEE.

The joint committee—

(1) is authorized to utilize appropriate equipment and the services of appropriate personnel of departments and agencies of the Federal Government, under arrangements between the joint committee and the heads of those departments and agencies, in connection with the inaugural proceedings and ceremonies; and

(2) may accept gifts and donations of goods and services to carry out its responsibilities.

S. CON. RES. 90

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL.

The rotunda of the United states Capitol is authorized to be used on January 20, 2001, by the Joint Congressional Committee on Inaugural Ceremonies in connection with the proceedings and ceremonies conducted for the inauguration of the President-elect and the Vice President-elect of the United States.

Mr. WARNER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 148) was agreed to, as follows:

S. CON. RES. 148

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. RECORDS OF EACH JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES.

(a) IN GENERAL.—Upon the conclusion of the business of a joint congressional committee on Presidential inaugural ceremonies and the closing out of its affairs, all records, files, documents, and other materials in the possession, custody, or control of the joint committee shall be transferred subject to—

(1) such terms and conditions relating to access and use of such materials as the Committee on Rules and Administration of the Senate shall prescribe; and

(2) the provisions of Senate Resolution 474 (96th Congress, 2d Session).

(b) PRIOR RECORDS.—The records, files, documents, and other materials of any joint congressional committee on Presidential inaugural ceremonies in the custody of the Senate on the date of adoption of this resolution shall be shall be transferred subject to—

(1) such terms and conditions relating to access and use of such materials as the Committee on Rules and Administration of the Senate shall prescribe; and

(2) the provisions of Senate Resolution 474 (96th Congress, 2d Session).

COMMEMORATING THE 20TH ANNIVERSARY OF THE WORKERS' STRIKES IN POLAND

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 727, S. Con. Res. 131.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A bill (S. Con. Res. 131) commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarnosc, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations, with an amendment, amendments to the preamble, and an amendment to the title.

(Omit the part in bold face brackets and insert the part printed in italic.)

S. CON. RES. 131

Whereas, in July and August of 1980, Polish workers went on strike to protest communist oppression and demand greater political freedom;

Whereas, in the shipyards of Gdansk and Szczecin, workers' committees coordinated these strikes and ensured that the strikes were peaceful and orderly and did not promote acts of violence;

Whereas workers' protests against the communist authorities in Poland were supported by the Polish people and the international community of democracies;

Whereas, on August 30 and 31 of 1980, the communist government of the People's Republic of Poland yielded to the 21 demands of the striking workers, including the release of all political prisoners, including Jacek Kuron and Adam Michnik, the broadcasting

of religious services on television and radio, and the right to establish independent trade unions;

Whereas from these agreements emerged Solidarnosc, the first independent trade union in the communist bloc, led by Lech Walesa, an electrician from Gdansk;

Whereas Solidarnosc and its 10,000,000 members became a great social movement in Poland that was committed to promoting fundamental human rights, democracy, and Polish independence;

Whereas, during its first congress in 1981, Solidarnosc issued a proclamation urging workers in Soviet-bloc countries to resist their communist governments and to struggle for freedom and democracy;

Whereas the communist government of Poland introduced martial law in December 1981 in an attempt to block the growing political and social influence of the Solidarnosc movement;

Whereas Solidarnosc remained a powerful and political force that resisted the efforts of Poland's communist government to suppress the desire of the Polish people for freedom, democracy, and independence from the Soviet Union;

Whereas, in February [1999] *1989*, the communist government of Poland agreed to conduct roundtable talks with Solidarnosc that led to elections to the National Assembly in June of that year, in which nearly all open seats were won by candidates supported by Solidarnosc;

Whereas, on August 19, [1999] *1989*, Solidarity leader Tadeusz Mazowiecki was asked to serve as Prime Minister of Poland and on September 12, [1999] *1989*, the Polish Sejm voted to approve Prime Minister Mazowiecki and his cabinet, Poland's first noncommunist government in 4 decades;

Whereas, on December 9, 1990, Lech Walesa was elected President of Poland;

Whereas the Solidarnosc movement, by its courage and example, initiated political transformations in other countries in Central and Eastern Europe and thereby initiated the collapse of the Soviet Bloc in 1989; and

Whereas, since the time Poland freed itself from communist domination, Polish-American relations have transformed from partnership to alliance, a transition marked by Poland's historic accession to the North Atlantic Treaty Organization in March 1999: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 20th anniversary of the workers' strikes in Poland that [lead] *led* to the creation of the independent trade union Solidarnosc; and

(2) honors the leaders of Poland who risked and lost their lives in attempting to restore democracy in their country and to return Poland to the democratic community of nations.

Amend the title to read as follows: ''Concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarnosc, and for other purposes.''.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment to the resolution be agreed to, and the resolution, as amended, be agreed to, the amendments to the preamble be agreed to, and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment to the resolution was agreed to.

The resolution (S. Con. Res. 131), as amended, was agreed to.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 131

Whereas, in July and August of 1980, Polish workers went on strike to protest communist oppression and demand greater political freedom;

Whereas, in the shipyards of Gdansk and Szczecin, workers' committees coordinated these strikes and ensured that the strikes were peaceful and orderly and did not promote acts of violence;

Whereas workers' protests against the communist authorities in Poland were supported by the Polish people and the international community of democracies;

Whereas, on August 30 and 31 of 1980, the communist government of the People's Republic of Poland yielded to the 21 demands of the striking workers, including the release of all political prisoners, including Jacek Kuron and Adam Michnik, the broadcasting of religious services on television and radio, and the right to establish independent trade unions;

Whereas from these agreements emerged Solidarnosc, the first independent trade union in the communist bloc, led by Lech Walesa, an electrician from Gdansk;

Whereas Solidarnosc and its 10,000,000 members became a great social movement in Poland that was committed to promoting fundamental human rights, democracy, and Polish independence;

Whereas, during its first congress in 1981, Solidarnosc issued a proclamation urging workers in Soviet-bloc countries to resist their communist governments and to struggle for freedom and democracy;

Whereas the communist government of Poland introduced martial law in December 1981 in an attempt to block the growing political and social influence of the Solidarnosc movement;

Whereas Solidarnosc remained a powerful and political force that resisted the efforts of Poland's communist government to suppress the desire of the Polish people for freedom, democracy, and independence from the Soviet Union;

Whereas, in February 1989, the communist government of Poland agreed to conduct roundtable talks with Solidarnosc that led to elections to the National Assembly in June of that year, in which nearly all open seats were won by candidates supported by Solidarnosc;

Whereas, on August 19, 1989, Solidarity leader Tadeusz Mazowiecki was asked to serve as Prime Minister of Poland and on September 12, 1989, the Polish Sejm voted to approve Prime Minister Mazowiecki and his cabinet, Poland's first noncommunist government in 4 decades;

Whereas, on December 9, 1990, Lech Walesa was elected President of Poland;

Whereas the Solidarnosc movement, by its courage and example, initiated political transformations in other countries in Central and Eastern Europe and thereby initiated the collapse of the Soviet Bloc in 1989; and

Whereas, since the time Poland freed itself from communist domination, Polish-American relations have transformed from partnership to alliance, a transition marked by Poland's historic accession to the North Atlantic Treaty Organization in March 1999: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarnosc; and

(2) honors the leaders of Poland who risked and lost their lives in attempting to restore democracy in their country and to return Poland to the democratic community of nations.

The title was amended so as to read: ''Concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarnosc, and for other purposes.''

SANTO DOMINGO PUEBLO CLAIMS SETTLEMENT ACT OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 2917, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2917) to settle the land claims of the Pueblo of Santo Domingo.

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2917) was read the third time and passed, as follows:

S. 2917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Santo Domingo Pueblo Claims Settlement Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) For many years the Pueblo of Santo Domingo has been asserting claims to lands within its aboriginal use area in north central New Mexico. These claims have been the subject of many lawsuits, and a number of these claims remain unresolved.

(2) In December 1927, the Pueblo Lands Board, acting pursuant to the Pueblo Lands Act of 1924 (43 Stat. 636) confirmed a survey of the boundaries of the Pueblo of Santo Domingo Grant. However, at the same time the Board purported to extinguish Indian title to approximately 27,000 acres of lands within those grant boundaries which lay within 3 other overlapping Spanish land grants. The United States Court of Appeals in United States v. Thompson (941 F.2d 1074 (10th Cir. 1991), cert. denied 503 U.S. 984 (1992)), held that the Board ''ignored an express congressional directive'' in section 14 of the Pueblo Lands Act, which ''contemplated that the Pueblo would retain title to and possession of all overlap land''.

(3) The Pueblo of Santo Domingo has asserted a claim to another 25,000 acres of land

based on the Pueblo's purchase in 1748 of the Diego Gallegos Grant. The Pueblo possesses the original deed reflecting the purchase under Spanish law but, after the United States assumed sovereignty over New Mexico, no action was taken to confirm the Pueblo's title to these lands. Later, many of these lands were treated as public domain, and are held today by Federal agencies, the State Land Commission, other Indian tribes, and private parties. The Pueblo's lawsuit asserting this claim, Pueblo of Santo Domingo v. Rael (Civil No. 83–1888 (D.N.M.)), is still pending.

(4) The Pueblo of Santo Domingo's claims against the United States in docket No. 355 under the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act) have been pending since 1951. These claims include allegations of the Federal misappropriation and mismanagement of the Pueblo's aboriginal and Spanish grant lands.

(5) Litigation to resolve the land and trespass claims of the Pueblo of Santo Domingo would take many years, and the outcome of such litigation is unclear. The pendency of these claims has clouded private land titles and has created difficulties in the management of public lands within the claim area.

(6) The United States and the Pueblo of Santo Domingo have negotiated a settlement to resolve all existing land claims, including the claims described in paragraphs (2) through (4).

(b) PURPOSE.—It is the purpose of this Act—

(1) to remove the cloud on titles to land in the State of New Mexico resulting from the claims of the Pueblo of Santo Domingo, and to settle all of the Pueblo's claims against the United States and third parties, and the land, boundary, and trespass claims of the Pueblo in a fair, equitable, and final manner;

(2) to provide for the restoration of certain lands to the Pueblo of Santo Domingo and to confirm the Pueblo's boundaries;

(3) to clarify governmental jurisdiction over the lands within the Pueblo's land claim area; and

(4) to ratify a Settlement Agreement between the United States and the Pueblo which includes—

(A) the Pueblo's agreement to relinquish and compromise its land and trespass claims;

(B) the provision of $8,000,000 to compensate the Pueblo for the claims it has pursued pursuant to the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act);

(C) the transfer of approximately 4,577 acres of public land to the Pueblo;

(D) the sale of approximately 7,355 acres of national forest lands to the Pueblo; and

(E) the authorization of the appropriation of $15,000,000 over 3 consecutive years which would be deposited in a Santo Domingo Lands Claims Settlement Fund for expenditure by the Pueblo for land acquisition and other enumerated tribal purposes.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to effectuate an extinguishment of, or to otherwise impair, the Pueblo's title to or interest in lands or water rights as described in section 5(a)(2).

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERALLY ADMINISTERED LANDS.—The term ''federally administered lands'' means lands, waters, or interests therein, administered by Federal agencies, except for the lands, waters, or interests therein that are owned by, or for the benefit of, Indian tribes or individual Indians.

(2) FUND.—The term ''Fund'' means the Pueblo of Santo Domingo Land Claims Settlement Fund established under section 5(b)(1).

(3) PUEBLO.—The term ''Pueblo'' means the Pueblo of Santo Domingo.

(4) SANTO DOMINGO PUEBLO GRANT.—The term ''Santo Domingo Pueblo Grant'' means all of the lands within the 1907 Hall-Joy Survey, as confirmed by the Pueblo Lands Board in 1927.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior unless expressly stated otherwise.

(6) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the Settlement Agreement dated May 26, 2000, between the Departments of the Interior, Agriculture, and Justice and the Pueblo of Santo Domingo to Resolve All of the Pueblo's Land Title and Trespass Claims.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The Settlement Agreement is hereby approved and ratified.

SEC. 5. RESOLUTION OF DISPUTES AND CLAIMS.

(a) RELINQUISHMENT, EXTINGUISHMENT, AND COMPROMISE OF SANTO DOMINGO CLAIMS.—

(1) EXTINGUISHMENT.—

(A) IN GENERAL.—Subject to paragraph (2), in consideration of the benefits provided under this Act, and in accordance with the Settlement Agreement pursuant to which the Pueblo has agreed to relinquish and compromise certain claims, the Pueblo's land and trespass claims described in subparagraph (B) are hereby extinguished, effective as of the date specified in paragraph (5).

(B) CLAIMS.—The claims described in this subparagraph are the following:

(i) With respect to the Pueblo's claims against the United States, its agencies, officers, and instrumentalities, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo's land, such as boundary, trespass, and mismanagement claims, including any claim related to—

(I) any federally administered lands, including National Forest System lands designated in the Settlement Agreement for possible sale or exchange to the Pueblo;

(II) any lands owned or held for the benefit of any Indian tribe other than the Pueblo; and

(III) all claims which were, or could have been brought against the United States in docket No. 355, pending in the United States Court of Federal Claims.

(ii) With respect to the Pueblo's claims against persons, the State of New Mexico and its subdivisions, and Indian tribes other than the Pueblo, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo's land, such as boundary and trespass claims.

(iii) All claims listed on pages 13894–13895 of volume 48 of the Federal Register, published on March 31, 1983, except for claims numbered 002 and 004.

(2) RULE OF CONSTRUCTION.—Nothing in this Act (including paragraph (1)) shall be construed—

(A) to in any way effectuate an extinguishment of or otherwise impair—

(i) the Pueblo's title to lands acquired by or for the benefit of the Pueblo since December 28, 1927, or in a tract of land of approximately 150.14 acres known as the ''sliver area'' and described on a plat which is appendix H to the Settlement Agreement;

(ii) the Pueblo's title to land within the Santo Domingo Pueblo Grant which the Pueblo Lands Board found not to have been extinguished; or

(iii) the Pueblo's water rights appurtenant to the lands described in clauses (i) and (ii); and

(B) to expand, reduce, or otherwise impair any rights which the Pueblo or its members may have under existing Federal statutes concerning religious and cultural access to and uses of the public lands.

(3) CONFIRMATION OF DETERMINATION.—The Pueblo Lands Board's determination on page 1 of its Report of December 28, 1927, that Santo Domingo Pueblo title, derived from the Santo Domingo Pueblo Grant to the lands overlapped by the La Majada, Sitio de Juana Lopez and Mesita de Juana Lopez Grants has been extinguished is hereby confirmed as of the date of that Report.

(4) TRANSFERS PRIOR TO ENACTMENT.—

(A) IN GENERAL.—In accordance with the Settlement Agreement, any transfer of land or natural resources, prior to the date of enactment of this Act, located anywhere within the United States from, by, or on behalf of the Pueblo, or any of the Pueblo's members, shall be deemed to have been made in accordance with the Act of June 30, 1834 (4 Stat. 729; commonly referred to as the Trade and Intercourse Act), section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act), and any other provision of Federal law that specifically applies to transfers of land or natural resources from, by, or on behalf of an Indian tribe, and such transfers shall be deemed to be ratified effective as of the date of the transfer.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to affect or eliminate the personal claim of any individual Indian which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(5) EFFECTIVE DATE.—The provisions of paragraphs (1), (3), and (4) shall take effect upon the entry of a compromise final judgment, in a form and manner acceptable to the Attorney General, in the amount of $8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355). The judgment so entered shall be paid from funds appropriated pursuant to section 1304 of title 31, United States Code.

(b) TRUST FUNDS; AUTHORIZATION OF APPROPRIATIONS.—

(1) ESTABLISHMENT.—There is hereby established in the Treasury a trust fund to be known as the ''Pueblo of Santo Domingo Land Claims Settlement Fund''. Funds deposited in the Fund shall be subject to the following conditions:

(A) The Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(B) Subject to the provisions of paragraph (3), monies deposited into the Fund may be expended by the Pueblo to acquire lands within the exterior boundaries of the exclusive aboriginal occupancy area of the Pueblo, as described in the Findings of Fact of the Indian Claims Commission, dated May 9, 1973, and for use for education, economic development, youth and elderly programs, or for other tribal purposes in accordance with plans and budgets developed and approved by the Tribal Council of the Pueblo and approved by the Secretary.

(C) If the Pueblo withdraws monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any oversight over or liability for the accounting, disbursement, or investment of such withdrawn monies.

(D) No portion of the monies described in subparagraph (C) may be paid to Pueblo members on a per capita basis.

(E) The acquisition of lands with monies from the Fund shall be on a willing-seller, willing-buyer basis, and no eminent domain authority may be exercised for purposes of

authority may be exercised for purposes of acquiring lands for the benefit of the Pueblo pursuant to this Act.

(F) The provisions of Public Law 93–134, governing the distribution of Indian claims judgment funds, and the plan approval requirements of section 203 of Public Law 103–412 shall not be applicable to the Fund.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for deposit into the Fund, in accordance with the following schedule:

(A) $5,000,000 to be deposited in the fiscal year which commences on October 1, 2001.

(B) $5,000,000 to be deposited in the next fiscal year.

(C) The balance of the funds to be deposited in the third consecutive fiscal year.

(3) LIMITATION ON DISBURSAL.—Amounts authorized to be appropriated to the Fund under paragraph (2) shall not be disbursed until the following conditions are met:

(A) The case of Pueblo of Santo Domingo v. Rael (No. CIV–83–1888) in the United States District Court for the District of New Mexico, has been dismissed with prejudice.

(B) A compromise final judgment in the amount of $8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355) in a form and manner acceptable to the Attorney General, has been entered in the United States Court of Federal Claims in accordance with subsection (a)(5).

(4) DEPOSITS.—Funds awarded to the Pueblo consistent with subsection (c)(2) in docket No. 355 of the Indian Claims Commission shall be deposited into the Fund.

(c) ACTIVITIES UPON COMPROMISE.—On the date of the entry of the final compromise judgment in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355) in the United States Court of Federal Claims, and the dismissal with prejudice of the case of Pueblo of Santo Domingo v. Rael (No. CIV–83–1888) in the United States District Court for the District of New Mexico, whichever occurs later—

(1) the public lands administered by the Bureau of Land Management and described in section 6 of the Settlement Agreement, and consisting of approximately 4,577.10 acres of land, shall thereafter be held by the United States in trust for the benefit of the Pueblo, subject to valid existing rights and rights of public and private access, as provided for in the Settlement Agreement;

(2) the Secretary of Agriculture is authorized to sell and convey National Forest System lands and the Pueblo shall have the exclusive right to acquire these lands as provided for in section 7 of the Settlement Agreement, and the funds received by the Secretary of Agriculture for such sales shall be deposited in the fund established under the Act of December 4, 1967 (16 U.S.C. 484a) and shall be available to purchase non-Federal lands within or adjacent to the National Forests in the State of New Mexico;

(3) lands conveyed by the Secretary of Agriculture pursuant to this section shall no longer be considered part of the National Forest System and upon any conveyance of National Forest lands, the boundaries of the Santa Fe National Forest shall be deemed modified to exclude such lands;

(4) until the National Forest lands are conveyed to the Pueblo pursuant to this section, or until the Pueblo's right to purchase such lands expires pursuant to section 7 of the Settlement Agreement, such lands are withdrawn, subject to valid existing rights, from any new public use or entry under any Federal land law, except for permits not to exceed 1 year, and shall not be identified for any disposition by or for any agency, and no mineral production or harvest of forest products shall be permitted, except that nothing in this subsection shall preclude forest management practices on such lands, including the harvest of timber in the event of fire, disease, or insect infestation; and

(5) once the Pueblo has acquired title to the former National Forest System lands, these lands may be conveyed by the Pueblo to the Secretary of the Interior who shall accept and hold such lands in the name of the United States in trust for the benefit of the Pueblo.

SEC. 6. AFFIRMATION OF ACCURATE BOUNDARIES OF SANTO DOMINGO PUEBLO GRANT.

(a) IN GENERAL.—The boundaries of the Santo Domingo Pueblo Grant, as determined by the 1907 Hall-Joy Survey, confirmed in the Report of the Pueblo Lands Board, dated December 28, 1927, are hereby declared to be the current boundaries of the Grant and any lands currently owned by or on behalf of the Pueblo within such boundaries, or any lands hereinafter acquired by the Pueblo within the Grant in fee simple absolute, shall be considered to be Indian country within the meaning of section 1151 of title 18, United States Code.

(b) LIMITATION.—Any lands or interests in lands within the Santo Domingo Pueblo Grant, that are not owned or acquired by the Pueblo, shall not be treated as Indian country within the meaning of section 1151 of title 18, United States Code.

(c) ACQUISITION OF FEDERAL LANDS.—Any Federal lands acquired by the Pueblo pursuant to section 5(c)(1) shall be held in trust by the Secretary for the benefit of the Pueblo, and shall be treated as Indian country within the meaning of section 1151 of title 18, United States Code.

(d) LAND SUBJECT TO PROVISIONS.—Any lands acquired by the Pueblo pursuant to section 5(c), or with funds subject to section 5(b), shall be subject to the provisions of section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act).

(e) RULE OF CONSTRUCTION.—Nothing in this Act or in the Settlement Agreement shall be construed to—

(1) cloud title to federally administered lands or non-Indian or other Indian lands, with regard to claims of title which are extinguished pursuant to section 5; or

(2) affect actions taken prior to the date of enactment of this Act to manage federally administered lands within the boundaries of the Santo Domingo Pueblo Grant.

MEASURE READ THE FIRST TIME—S. 3187

Mr. WARNER. Mr. President, I understand that S. 3187 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3187) to require the Secretary of Health and Human Services to apply aggregate upper payment limits to non-State publicly owned or operated facilities under the medicaid program.

Mr. WARNER. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. ROTH. Mr. President, over the past several months, the Finance Committee has been focusing its oversight attention on an urgent problem in the Medicaid program related to the use of upper payment limits to exploit federal Medicaid spending. The Health Care Financing Administration, HCFA, had assured me that it would solve the problem. It has not.

Instead, last week HCFA released a notice of proposed rulemaking that sanctions the de facto abuse of this vitally important program—a program that provides health care coverage to 40 million low-income pregnant women, children, individuals with disabilities, and senior citizens. This Administration has failed to live up to its responsibility to protect the financial integrity of the Medicaid program. Accordingly, I am introducing legislation today to do the right thing and stop the draining of potentially tens of billions of dollars from this program for our most vulnerable citizens.

The problem confronting the program is a complicated one. Through the inappropriate use of aggregated upper payment limits, some states have been using the Medicaid program inappropriately, including for purposes such as filling in holes in state budgets. This has turned a program intended to provide health insurance coverage to vulnerable populations into a bank account for state projects having nothing to do with health care.

In fact, as I examine the current situation I am vividly reminded of the Medicaid spending scandals we confronted 10 years ago when disproportionate share hospital program dollars were used to build roads, bridges and highways. Let me be very clear—this cannot be permitted to continue without endangering the program.

The use of this complicated accounting mechanism may seem dry and technical—but let me assure you that the consequences are enormous. If unchecked, both the General Accounting Office and the Office of Inspector General at the Department of Health and Human Services agree that we face a situation that fundamentally undermines the fiscal integrity of the Medicaid program and circumvents the traditional partnership of financial responsibility shared between the federal and state governments.

I have been advised that what states are doing through upper payment limits is technically not illegal. The states are taking advantage of a loophole in HCFA regulations. It is time to close that loophole fully.

We must act because nearly 40 million of the neediest Americans rely on Medicaid for needed health care services. It is nothing short of a safety net. The program must not be undermined and weakened by clever consultants and state budgeters. What looks like loopholes to some are holes in Medicaid safety net for 40 million Americans.

Several months ago, I began working with the Administration to respond to this scandal. We must stop it in its tracks—while of course at the same time working thoughtfully and carefully with those states that have become dependent on the revenues generated through the use of upper payment limits to help them transition to

a more sustainable payment relationship between the state and federal government.

Finally, last week, after repeated delays, this Administration released its notice of proposed rulemaking—in a form much weaker than it originally intended when I first started working with HCFA on this problem last spring. The proposed regulation is inadequate. Instead of stopping a burgeoning Medicaid spending scandal, the proposed regulation looks the other way and tolerates the abuse of the program.

The proposed regulation permits facilities to be reimbursed for providing services at a rate one and a half times that Medicare would have paid for a given service. Then states are free to pocket the difference between the payment level and the often much lower Medicaid payment rates through intergovernmental transfers. Not only does the regulation allow those who are exploiting the program to continue to do so, it also invites all others to come in and help themselves. The regulation permits the scam to continue while only modestly attempting to contain its magnitude.

Simply containing wasteful spending is not sufficient. The American taxpayer who pays the bills should not stand for it, nor should the beneficiaries who depend on the program. In fact, the Center on Budget and Policy Priorities, whose advocacy on social policy issues is well-known, agrees that the scam must be shut down or the long-term health of the program will be jeopardized.

Not only does the proposed regulation fail to protect the financial integrity of the Medicaid program, it also has a very low probability of ever being implemented. There is virtually no chance this Administration will be able to finalize the proposed regulation before it leaves office in January. Until the regulation is finalized, nothing changes. No abuser state has to modify its behavior one bit, and more and more states will be under pressure to take advantage of the windfall their neighbor states are enjoying. If anything, the White House action may spur greater abuse in the Medicaid program.

The Congressional Budget Office estimates that truly solving the problem will save taxpayers $127 billion over the next decade. the stakes are high and we owe it to the 40 million Medicaid beneficiaries to protect the program so it remains strong and viable for the years to come.

Accordingly, today I am introducing legislation that does what HCFA should have done but failed to do. My bill does not sanction abuse—it stops it. It closes the loophole, and treats non-state governmental facilities the same way state facilities are already treated. For those states with upper payment limits approved by HCFA already in place, it gives them two years to fully transition into compliance with the law. But no longer will schemes to exploit federal funding be tolerated. Even if HCFA is willing to look the other way, I am not. We must think about the long-term interests of the program and act now to stop the abuse. We should save the safety net for those that depend on it and save $127 billion over the next decade for he American taxpayer at the same time.

CORRECTING THE ENROLLMENT OF H.R. 3244

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 149, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 149) to correct the enrollment of H.R. 3244.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Con. Res. 149) was agreed to, as follows:

S. CON. RES. 149

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, shall make the following correction.

(1) In section 2002(a)(2)(A)(ii), strike ''June 7, 1999,'' and insert ''December 13, 1999.''.

SOUTHEAST FEDERAL CENTER PUBLIC-PRIVATE DEVELOPMENT ACT OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 905, H.R. 3069.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3069) to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs with amendments, as follows:

(Omit the part in boldface brackets and insert the part printed in italic.)

H.R. 3069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Southeast Federal Center Public-Private Development Act of 2000''.

SEC. 2. SOUTHEAST FEDERAL CENTER DEFINED.

In this Act, the term ''Southeast Federal Center'' means the site in the southeast quadrant of the District of Columbia that is under the control and jurisdiction of the General Services Administration and extends from Issac Hull Avenue on the east to 1st Street on the west, and from M Street on the north to the Anacostia River on the south, excluding an area on the river at 1st Street owned by the District of Columbia and a building west of Issac Hull Avenue and south of Tingey Street under the control and jurisdiction of the Department of the Navy.

SEC. 3. SOUTHEAST FEDERAL CENTER DEVELOPMENT AUTHORITY.

(a) IN GENERAL.—The Administrator of General Services may enter into agreements (including leases, contracts, cooperative agreements, limited partnerships, joint ventures, trusts, and limited liability company agreements) with a private entity to provide for the acquisition, construction, rehabilitation, operation, maintenance, or use of the Southeast Federal Center, including improvements thereon, or such other activities related to the Southeast Federal Center as the Administrator considers appropriate.

(b) TERMS AND CONDITIONS.—An agreement entered into under this section—

(1) shall have as its primary purpose enhancing the value of the Southeast Federal Center to the United States;

(2) shall be negotiated pursuant to such procedures as the Administrator considers necessary to ensure the integrity of the selection process and to protect the interests of the United States;

(3) may provide a lease option to the United States, to be exercised at the discretion of the Administrator, to occupy any general purpose office space in a facility covered under the agreement;

(4) shall not require, unless specifically determined otherwise by the Administrator, Federal ownership of a facility covered under the agreement after the expiration of any lease of the facility to the United States;

(5) shall describe the consideration, duties, and responsibilities for which the United States and the private entity are responsible;

(6) shall provide—

(A) that the United States will not be liable for any action, debt, or liability of any entity created by the agreement; and

(B) that such entity may not execute any instrument or document creating or evidencing any indebtedness unless such instrument or document specifically disclaims any liability of the United States under the instrument or document; and

(7) shall include such other terms and conditions as the Administrator considers appropriate.

(c) CONSIDERATION.—An agreement entered into under this section shall be for fair consideration, as determined by the Administrator. Consideration under such an agreement may be provided in whole or in part through in-kind consideration. In-kind consideration may include provision of space, goods, or services of benefit to the United States, including construction, repair, remodeling, or other physical improvements of Federal property, maintenance of Federal property, or the provision of office, storage, or other usable space.

(d) AUTHORITY TO CONVEY.—In carrying out an agreement entered into under this section, the Administrator is authorized to convey interests in real property, by lease, sale, or exchange, to a private entity.

(e) OBLIGATIONS TO MAKE PAYMENTS.—Any obligation to make payments by the Administrator for the use of space, goods, or services by the General Services Administration on property that is subject to an agreement

under this section may only be made to the extent that necessary funds have been made available, in advance, in an annual appropriations Act, to the Administrator from the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

(f) NATIONAL [CAPITOL] *CAPITAL* PLANNING COMMISSION.—

(1) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit or otherwise affect the authority of the National Capital Planning Commission with respect to the Southeast Federal Center.

(2) VISION PLAN.—An agreement entered into under this section shall ensure that redevelopment of the Southeast Federal Center is consistent, to the extent practicable (as determined by the Administrator, *in consultation with the National Capital Planning Commission*), with the objectives of the National Capital Planning Commission's vision plan entitled ''Extending the Legacy: Planning America's Capital in the 21st Century'', adopted by the Commission in November 1997.

(g) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—The authority of the Administrator under this section shall not be subject to—

(A) section 321 of the Act of June 30, 1932 (40 U.S.C. 303b);

(B) sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484);

(C) section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)); or

(D) any other provision of law (other than Federal laws relating to environmental and historic preservation) inconsistent with this section.

(2) UNUTILIZED OR UNDERUTILIZED PROPERTY.—Any facility covered under an agreement entered into under this section may not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

SEC. 4. REPORTING REQUIREMENT.

(a) IN GENERAL.—Before entering into an agreement under section 3, the Administrator of General Services shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on [Environment and Public Works] *Governmental Affairs* of the Senate a report on the proposed agreement.

(b) CONTENTS.—A report transmitted under this section shall include a summary of a cost-benefit analysis of the proposed agreement and a description of the provisions of the proposed agreement.

(c) REVIEW BY CONGRESS.—A proposed agreement under section 3 may not become effective until the end of a 30-day period of continuous session of Congress following the date of the transmittal of a report on the agreement under this section. For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 30-day period any day during which either House of Congress is not in session during an adjournment of more than 3 days to a day certain.

SEC. 5. USE OF PROCEEDS.

(a) IN GENERAL.—Net proceeds from an agreement entered into under section 3 shall be deposited into, administered, and expended, subject to appropriations Acts, as part of the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)). In this subsection, the term ''net proceeds from an agreement entered into under section 3'' means the proceeds from the agreement minus the expenses incurred by the Administrator with respect to the agreement.

(b) RECOVERY OF EXPENSES.—The Administrator may retain from the proceeds of an agreement entered into under section 3 amounts necessary to recover the expenses incurred by the Administrator with respect to the agreement. Such amounts shall be deposited in the account in the Treasury from which the Administrator incurs expenses related to disposals of real property.

Mr. WARNER. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (H.R. 3069), as amended, was read the third time and passed.

CERTIFICATION OF MEXICO

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 366 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 366) expressing the Sense of the Senate on the certification of Mexico.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 366) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 366

Whereas Mexico will inaugurate a new government on 1 December 2000 that will be the first change of authority from one party to another;

Whereas the 2nd July election of Vincente Fox Quesada of the Alliance for Change marks an historic transition of power in open and fair elections;

Whereas Mexico and the United States share a 2,000-mile border, Mexico is the United States' second largest trading partner, and the two countries share historic and cultural ties;

Whereas drug production and trafficking are a threat to the national interests and the well-being of the citizens of both countries; and

Whereas United States-Mexican cooperation on drugs is a cornerstone for policy for both countries in developing effective programs to stop drug use, drug production, and drug trafficking: Now, therefore, be it

Resolved, That (a) the Senate, on behalf of the people of the United States—

(1) welcomes the constitutional transition of power in Mexico;

(2) congratulates the people of Mexico and their elected representatives for this historic change; and

(3) expresses its intent to continue to work cooperatively with Mexican authorities to promote broad and effective efforts for the health and welfare of United States and Mexican citizens endangered by international drug trafficking, use, and production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the incoming new governments in both Mexico and the United States must develop and implement a counterdrug program that more effectively addresses the official corruption, the increase in drug traffic, and the lawlessness that has resulted from illegal drug trafficking, and that a one-year waiver of the requirement that the President certify Mexico is warranted to permit both new governments time to do so.

Mr. WARNER. Mr. President, before entering the closing statement, I yield to the distinguished Democratic assistant leader.

Mr. REID. Mr. President, I was off the floor. I appreciate very much the patience of my friend, the Senator from Virginia. I know he wanted to vacate the premises more than an hour ago. I am confident early in the morning we will be able to enter into an agreement relating to his bill.

Mr. WARNER. That would be the DOD conference on authorization.

Mr. REID. We are getting close to that. I apologize for not being able to do that tonight.

Mr. WARNER. No apology is needed. This bill has had a unique course through the Senate. I know of no one who has tried harder on a procedural basis to see that this bill has forward momentum than our distinguished colleague from Nevada. I hereby express my profound respect and thanks to him.

Mr. REID. I already bragged earlier in the day about my colleague and Senator LEVIN, and I would like that spread across the RECORD again.

Mr. President, Senator MCCAIN is on his way. We have a unanimous consent agreement that he asked for earlier in the day. We are now able to clear it.

Mr. WARNER. Mr. President, given that, 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. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING TITLE 49, U.S. CODE, TO REQUIRE REPORTS CONCERNING DEFECTS IN MOTOR VEHICLES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5164, which is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5164) to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCAIN. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements regarding the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Reserving the right to object, what was the request?

Mr. MCCAIN. That the Senate proceed to H.R. 5164.

Mr. REID. Is this the same request the Senator entered earlier today?

Mr. MCCAIN. Yes.

Mr. REID. Reserving the right to object, as I said to my friend—and he was so persuasive—I indicated that we have to be patient and I thought his patience would require more than an hour or so. But as a result of our work on this side, we were able to get the agreement cleared, and we have no objection to this matter proceeding tonight, as indicated in the earlier consent agreement.

Mr. MCCAIN. I thank my friend from Nevada.

May I just say that one thing I have learned about my friend from Nevada is that when he gives his word on an issue, he pursues that in a sincere and dedicated fashion. When he gives his word that he is going to oppose, as he has on several occasions, he is a formidable opponent. I thank the Senator from Nevada for working on this. He could have easily held this over until tomorrow and we could have gotten caught up, perhaps, in other issues. Instead, the Senator from Nevada said he would be working on this issue. He did that, and we have it resolved. I express my deep and sincere thanks to him.

I look forward to next year when we again have our differences on the issue of college gambling being ventilated and work together on that issue as well.

Mr. REID. Also, we can work together to do more on boxing. If there were ever a requirement that we have spread before us, it would be to do something about the abysmal state of boxing in the world, which is controlled by the United States.

Also, the work the Senator from Arizona and the Senator from Wisconsin have done on campaign finance reform—when the history books are written about what has happened in Government during the past hundred years, there is no question in my mind that one of the main chapters will be the work that has been done on campaign finance reform. It will happen, and it was instigated and initiated by the Senator from Arizona and the Senator from Wisconsin. It is only a question of when; it will happen.

Mr. MCCAIN. I thank my friend from Nevada.

I should not be speaking off the top of my head, but perhaps a hearing out in the city of Las Vegas, where really 90 percent of the major boxing is conducted in America, might be something he and I could do together in the next couple of months to get the ball rolling. I thank my friend from Nevada.

Mr. REID. I thank my friend from Arizona.

Mr. MCCAIN. Mr. President, last week I was blocked in my efforts to gain unanimous consent for the Senate to schedule a time for consideration of S. 3059, the Motor Vehicle and Motor Vehicle Equipment Defect Notification Act. As you know, the Act is in response to the recent Ford/Firestone recall of 6.5 million tires and the more than 100 deaths associated with these tires.

Today, we are in the midst of what may likely be the last week of this legislative session. The remaining days to enact legislation to remedy indisputable flaws in the Federal Motor Vehicle Safety Act are dwindling to a precious few.

When we began this process more than six weeks ago, I made a commitment to seek the enactment of legislation this year to remedy this problem. I also stated that we would not make the perfect the enemy of the good. Last night, the House passed by voice vote H.R. 5164, the Transportation Recall Enhancement Accountability and Documentation (TREAD) Act. The legislation is similar to S. 3059 and has the support of both Republicans and Democrats in the House.

While the House bill does not go as far as the Senate bill in some respects, it will nevertheless advance the cause of safety. It will ensure that the Department of Transportation will receive the information it needs to detect defects, including information about foreign recalls. It will increase penalties for manufacturers that fail to comply with the statute and its regulations. The maximum civil penalty under the current statute is $980,000. The House bill will increase that amount to $15 million. It will also direct the Secretary to develop a program to conduct dynamic rollover tests of motor vehicles and make that information available to consumers. It will direct NHTSA to upgrade the current tire standard for the first time in 30 years. Finally, the House bill incorporates a measure sponsored by Senator FITZGERALD and recently reported by the Senate Commerce Committee, which will improve the design of child safety seats.

Many of the provisions in the House bill are an improvement upon current law. The House bill is supported by the Secretary of Transportation. Nevertheless, let me be clear, I would prefer to have the Senate complete action on the bill reported by the Senate Commerce Committee with unanimous support. But holds and stalling tactics used by some members of this body will prevent us from even considering the Senate measure. The reality we face in the remaining days of Congress because of these tactics is that we pass the House bill or we pass nothing. Left with that decision, I would prefer we move forward with the House bill.

Some people have raised concerns that the House bill would weaken current law in several respects and it would be better to do nothing. Specifically, concerns have been raised that the bill would inhibit the release of information collected by Department of Transportation to the public, that manufacturers could destroy information to avoid the reporting requirements, and that the safe harbor provisions for the enhanced penalties could apply to existing penalties. I strongly disagree with these assertions. More importantly, the supporters of the House bill both Democratic and Republicans disagree with those assertions as does the Department of Transportation which will be charged with carrying out the provisions of the Act.

House supporters of the bill such as Congressmen MARKEY and TAUZIN addressed some of these concerns in a colloquy upon final passage of the House bill last night. I ask unanimous consent that the entire colloquy from the House bill be included in the RECORD following my remarks. Two portions of the colloquy refute these assertions. First, Mr. MARKEY asks if the ''special disclosure provision for new early stage information is not intended to protect from disclosure [information] that is currently disclosed under existing law such as information about actual defects or recalls?'' Congressman TAUZIN responds by saying, ''the gentleman is correct.'' Second, Congressman MARKEY asks if it is in the ''Secretary's discretion to require a manufacturer to maintain records that are in fact in the manufacturer's possession and that it would be a violation of such a requirement to destroy such a record?'' Again, Congressman TAUZIN responds ''the gentleman is correct.''

Congressman TAUZIN wrote to me today to further clarify that this provision would not enable manufacturers to destroy or conceal information.

In explaining the safe harbor provision under the enhanced penalty section, the intent of the House sponsors is not necessary because it is clear on the face of the language that it would not apply to an underlying violation of existing criminal law. The language of Section 4(b)(2) clearly states that the safe harbor only applies to criminal penalties ''under this subsection.'' I am not a supporter of the safe harbor provisions under this bill. I believe that they create a loophole rendering the enhanced penalties meaningless, but it is clear that they do not weaken existing law.

As I said earlier, NHTSA has linked more than 100 deaths to the failure of Bridgestone/Firestone tires that are subject to the current recall. Each day

it becomes more apparent that these deaths may have been avoided had the Department of Transportation possessed vital safety-related information that the law does not currently require manufacturers to report.

The House bill falls short of the Senate bill, but it will improve the Department of Transportation's ability to detect defects earlier. As Chairman of the Senate Commerce Committee, I commit to revisiting this issue next Congress and resolve the issues left in the House bill. But it would be a serious mistake to prevent even this modest reform to go forward. I ask my colleagues to support the passage of H.R. 5164.

The bill (H.R. 5164) was passed.

Mr. MCCAIN. Mr. President, we went through a great deal of work in order to have the legislation passed concerning Bridgestone/Firestone. I thank the administration and Secretary Slater for all of his efforts.

I thank Senator HOLLINGS, who had strongly held views on this issue and yet came together with me and others.

I thank the Consumers Union for what they did. They are an advocacy group that, again, didn't see a perfect piece of legislation but supported this legislation. Mr. Kimmelman is a man of remarkable talents. I thank him.

I also want to thank Congressman UPTON and Congressman TAUZIN, who were able to get that legislation through the House of Representatives in this late period by a voice vote and thereby made it possible for this legislation to be passed. They are both remarkable legislators. I appreciate very much all they did.

I say to my colleagues again that this issue isn't over. Tragically, I am in fear that there will be more deaths and injuries on America's highways before we finally make it much safer for Americans to be on America's highways. I think we have taken a major step forward, and one that hopefully will save lives and prevent injuries. If that is the case, as I think most experts view this legislation, then I think we will have done something good today.

I thank you, Mr. President, for your patience.

ORDERS FOR THURSDAY, OCTOBER 12, 2000

Mr. MCCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Thursday, October 12. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to H.R. 4635, the HUD-VA appropriations bill as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Arizona, Mr. MCCAIN, be allowed 10 minutes before the HUD-VA appropriations bill is voted on.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCAIN. Mr. President, for the information of all Senators, the Senate will begin consideration of the HUD-VA appropriations bill at 9:30 a.m. There are three amendments in order and up to three stacked rollcall votes will occur at approximately 12:30 p.m. Following the final vote on the HUD-VA bill, the Senate is expected to begin consideration of the conference report to accompany the Department of Defense authorization bill. There are approximately 6 hours of debate requested on the conference report. Therefore, Senators should expect votes later in the afternoon in reference to the DOD authorization conference report.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. MCCAIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:50 p.m., recessed until Thursday, October 12, 2000, at 9:30 a.m.