

the funds the government recovers from wrongdoers. I certainly agree a qui tam mechanism could provide a useful supplement to Government oversight in many areas. It is not a substitute for the Federal Trade Commission doing its job. And Mr. Kovacic did not identify any way the Federal Trade Commission's own approach to the oil industry would change. Given the Federal Trade Commission's record, given what they have done in the last few years, essentially being AWOL when it comes to energy, Mr. Kovacic's proposal essentially amounts to contracting out the Federal Trade Commission's enforcement authority in this area.

Now, I personally believe that the Federal Trade Commission itself needs to be an aggressive watchdog, looking out for consumers at the gas pump, not passively waiting for an industry whistleblower to come forward with smoking-gun evidence before taking action. That is why I find, at this point, no evidence that Mr. Kovacic would bring a different kind of outlook to the Federal Trade Commission's work in the energy field.

Now, the other nominee, Mr. Rosch, had a more interesting proposal. He suggests restoring the Federal Trade Commission's authority to challenge unilateral conduct affecting competition, authority that the Federal Trade Commission had prior to 1994. That would be a good first step toward closing the existing gap in the Agency's regulatory authority.

Had Mr. Rosch ended his letter to me at that point, I would have been willing to support his nomination. However, he went on to undercut his case when it came to anticompetitive practices in a key area: zone pricing. In effect, before taking any action to deal with this particularly egregious and anticompetitive practice, Mr. Rosch argued for waiting for the outcome of a pending court case and for recommendations of the Antitrust Modernization Commission. So he was, in effect, saying, as the Federal Trade Commission says again and again and again in the energy field, that he wants more time to study, which means more delay and more inaction as it relates to protecting consumers from anticompetitive practices.

It is my view that we have had enough delay and enough study when it comes to the anticompetitive practices of the oil industry. I do not intend to support business as usual at the Agency, and I am not going to support business-as-usual nominees to be FTC Commissioners. I intend to continue to raise my concerns as long as the Federal Trade Commission continues to duck aggressive consumer protection efforts in an area that, for reasons that I cannot fully explain to the Senate, they are simply unwilling to take up.

This Agency, which is willing to step in in a variety of areas, such as "do not call," stretches their authority to the limits and then even beyond, for some

reason continues to sit on their hands when it relates to energy.

I want things to change at the Agency. I want to see a more aggressive approach on behalf of energy consumers. I am not convinced that anything will change if Mr. Kovacic or Mr. Rosch is appointed to the Federal Trade Commission. Both of these individuals are going to get approved by the Senate in the last few hours of this session.

It is my hope, in wrapping up—I see the Senator from Pennsylvania on the floor, who has patiently waited—it is my hope that these two individuals, Mr. Rosch and Mr. Kovacic, will prove that I am incorrect in the judgments I make tonight. I hope they will be aggressive. I hope they will look for opportunities to stand up for the consumer. I hope they will change this course of inaction that has been laid out by Ms. Majoras. If those two individuals, Mr. Kovacic and Mr. Rosch, take those kinds of steps, if they take the kinds of steps I have advocated tonight—to stand up for the energy consumer in this country—they will have my full support.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The assistant journal clerk proceeded to call the roll.

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

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

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 3402 and the Senate proceed to its immediate consideration.

I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 2681) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LEAHY. Mr. President, I am pleased that the Senate is finally passing H.R. 3402, as amended—a carefully crafted, bipartisan, bicameral compromise to provide for the comprehensive reauthorization of both the Violence Against Women Act, VAWA, and the programs and authorities under the jurisdiction of the Department of Justice, DOJ. It has been a long time in coming.

I thank Senator SPECTER, the Chairman of the Senate Judiciary Com-

mittee, and Senators BIDEN and KENNEDY for their hard work and steadfast support for crafting this compromise legislation. I want to especially recognize Senator BIDEN for his longstanding commitment to finding ways to help end violence against women and children, and his leadership in helping bring the Violence Against Women Act to the floor and in ensuring that its vital programs continue.

House Judiciary Committee Chairman SENSENBRENNER and Ranking Member CONYERS deserve much credit as well for working so closely with us in a bipartisan manner to pass legislation in the House of Representatives. It is no easy task to take two large legislative measures and combine them into a single bipartisan, bicameral agreement. That is exactly what we have done, and we have achieved this milestone because we had the willingness of everyone involved to negotiate in good faith to see VAWA and the Justice Department authorization bill ushered into law this year.

I would like to highlight several of the provisions of this bipartisan measure—a bill that combines the Violence Against Women Act, S. 1197, as passed by the Senate, and the Department of Justice Appropriations Authorization Act, for Fiscal Years 2006 through 2009, H.R. 3402, as passed by the House.

The enactment of the Violence Against Women Act more than a decade ago marked an important national commitment to survivors of domestic violence and sexual assault. I am proud to join Senators BIDEN, HATCH, SPECTER and others as an original cosponsor of our reauthorization effort. The bill that passed the Senate had 58 cosponsors. Enactment of this measure will further our goal of ending domestic violence, dating violence, sexual assault, and stalking.

Earlier in my career as a prosecutor in Vermont, I witnessed the devastating effects of domestic violence. Violence and abuse affect people of all walks of life, regardless of gender, race, culture, age, class or sexuality. Such violence is a crime and it is always wrong, whether the abuser is a family member, someone the victim is dating, a current or past spouse, boyfriend, or girlfriend, an acquaintance, or a stranger.

The National Crime Victimization Survey estimates there were 691,710 non-fatal, violent incidents committed against victims by current and former spouses, boyfriends or girlfriends—also known as intimate partners—during 2001. Of those incidents, 85 percent were against women. The rate of non-fatal intimate partner violence against women has fallen steadily since 1993, when the rate was 9.8 incidents per 1,000 people. In 2001, the number fell to 5.0 incidents per 1,000 people, nearly a 50 percent reduction, but still unacceptably high. Tragically, however, the survey found that 1,600 women were killed in 1976 by a current or former spouse or boyfriend, while in 2000 some

1,247 women were killed by their intimate partners.

According to the annual Vermont Crime Report, the number of forcible rapes reported in Vermont rose in 2004 to the highest level in seven years, while the amount of violent crime remained unchanged and overall crime fell by about 5 percent from 2003. Reported incidents of rape rose by 58 percent, from 117 in 2003 to 185 in 2004. The average age of the victim was 21, and 47 percent of victims were younger than 18 years old. In 74 percent of the cases the perpetrator was an acquaintance of the victim, and in a quarter of the cases the defendant was a family member or intimate partner of the victim. In only 1 percent of the cases was the perpetrator a stranger. These figures in my home state raise significant concern because violent crime has declined nationwide during that same time period. Numbers like these are why reauthorizing VAWA is so vital.

Our Nation has made remarkable progress over the past 25 years in recognizing that domestic violence and sexual assault are crimes. We have responded with better laws, social support and coordinated community responses. But millions of women, men, children and families continue to be traumatized by abuse, leading to increased rates of crime, violence and suffering.

The Violence Against Women Act has provided aid to law enforcement officers and prosecutors, helped stem domestic violence and child abuse, established training programs for victim advocates and counselors, and trained probation and parole officers who work with released sex offenders. Now Congress has the opportunity to reauthorize VAWA and make improvements to vital core programs, tighten criminal penalties against domestic abusers, and create new solutions to other crucial aspects of domestic violence and sexual assault. This is an opportunity to help treat children victims of violence, augment health care for rape victims, hold repeat offenders and Internet stalkers accountable, and help domestic violence victims keep their jobs.

Included in this bill are reauthorizations of two programs I initially authored that are vital to helping rural communities battle domestic violence in a setting in which isolation can make it more difficult for both victims and law enforcement. In a small, rural state like Vermont, our county and local law enforcement agencies rely heavily on cooperative, interagency efforts to combat and solve significant problems. That is why I sought to include the Rural Domestic Violence and Child Victimization Enforcement Grant Program as part of the original VAWA. This program helps make services available to rural victims and children by encouraging community involvement in developing a coordinated response to combat domestic violence, dating violence and child abuse. Adequate resources combined with sus-

tained commitment will bring about significant improvements in rural areas to the lives of those victimized by domestic and sexual violence.

The Rural Grants Program section of VAWA 2005 reauthorizes and expands the existing education, training and services grant programs that address violence against women in rural areas. This provision renews the rural VAWA program, extends direct grants to state and local governments for services in rural areas and expands areas to include community collaboration projects in rural areas and the creation or expansion of additional victim services. This provision includes new language that expands the program coverage to sexual assault, child sexual assault and stalking. It also expands eligibility from rural states to rural communities, increasing access to rural sections of otherwise highly populated states. This section authorizes \$55,000,000 annually for 2006 through 2010, an increase of \$15 million per year.

The second grant program initiative on which I have focused is the Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking. This program, which became law as part of the PROTECT Act of 2003, authorizes grants for transitional housing and related services for people fleeing domestic violence, sexual assault or stalkers. At a time when the availability of affordable housing has sunk to record lows, transitional housing for victims is especially needed. Today more than 50 percent of homeless individuals are women and children fleeing domestic violence. We have a clear problem that is in dire need of a solution. This program is part of the solution.

Transitional housing allows women to bridge the gap between leaving violence in their homes and becoming self-sufficient. VAWA 2005 amends the existing transitional housing program by expanding the current direct-assistance grants to include funds for operational, capital and renovation costs. Other changes include providing services to victims of dating violence, sexual assault and stalking; extending the length of time for receipt of benefits to match that used by Housing and Urban Development transitional housing programs; and updating the existing program to reflect the concerns of the service provision community. The provision would increase the authorized funding for this grant program from \$30,000,000, to \$40,000,000.

The reauthorization of VAWA is an important part of our efforts to increase awareness of the problem of violence, to save the lives of battered women, rape victims and children who grow up with violence and to continue progress against the devastating tragedy of domestic violence. I look forward to seeing it signed into law and thus strengthen the prevention of violence against women and children and its devastating costs and consequences.

In the 107th Congress, we properly authorized appropriations for the entire Department of Justice for the first time since 1979. We had extended that authorization in 1980 and 1981, but until 2002 neither had Congress passed nor the President signed an authorization bill for the Department. In fact, there were a number of years in which Congress failed to consider any Department authorization bill. This 26-year failure to properly reauthorize the Department forced the Appropriations committees in both chambers to reauthorize and appropriate money.

We ceded the authorization power to the appropriators for too long, but in the 107th Congress Senator HATCH and I joined forces with House Judiciary Chairman SENSENBRENNER and Ranking Member CONYERS to create and pass bipartisan legislation that reaffirmed the authorizing authority and responsibility of the House and Senate Judiciary Committees—the “21st Century Department of Justice Appropriations Authorization Act,” Public Law 107-273. A new era of oversight began with that new charter for the Justice Department, with the Senate and House Judiciary Committees taking more-active new roles in setting the priorities and monitoring the operations of the Department of Justice, the FBI and other law enforcement agencies, and that bill helped our oversight duties in many ways. And, as we have learned in recent years, the fight against terrorism makes constructive oversight more important than ever before.

Earlier this year, House Judiciary Committee Chairman SENSENBRENNER and Ranking Member CONYERS authored and shepherded through the House of Representatives a new Department of Justice Appropriations Authorization Act for Fiscal Years 2006 through 2009, H.R. 3402. I commend both Chairman SENSENBRENNER and Ranking Member CONYERS for working in a bipartisan manner to pass that legislation in the House of Representatives. It is on that comprehensive authorization of the Justice Department that the bipartisan, bicameral compromise the Senate now considers was built.

The bill we are considering today not only authorizes appropriations for the Justice Department for fiscal years 2006 through 2009, but also provides permanent enabling authorities to allow the Department to efficiently carry out its mission, clarifies and harmonizes existing statutory authority, and repeals obsolete statutory authorities. It establishes certain reporting requirements and other mechanisms intended to better enable the Congress to oversee DOJ operations.

In addition to the important oversight tools provided in the bill, there are many additional sound provisions designed to improve the administration of programs within the Justice Department. For example, in Section 1111 we eliminate duplication by consolidating

the Local Law Enforcement Block Grant, LLEBG, program and the Byrne Formula Grant Program into one program—the Edward Byrne Memorial Justice Assistance Grant Program—with the same purposes and simplified administration. We authorize funding for this program at \$1.095 billion in FY 2006, which is \$678.5 million—or 62 percent—more than the actual amount appropriated, and such sums as may be necessary for each of fiscal years 2007 through 2009.

I am a longtime supporter of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program and the LLEBG Program, both of which have been continuously targeted for elimination by this Administration. As a senator from a rural State that relies on these grants to combat crime, I have been concerned with the President's proposals for funding and program eliminations of these well-established grant programs. Our legislation makes clear that the same authorized funding levels and uses will be available under the new, consolidated grant program as under the previous ones.

When we began negotiations with the House on the Justice Department authorization portion of this package, I expressed to Congressman SENSENBRENNER my concerns that a combination of the merger of and drastic funding cuts to these programs will cause smaller states to lose the assistance on which they rely to prevent and control crime and improve the criminal justice system. In rural states, the State Administering Agency and state agencies are the local criminal justice resources; they are more than just state level actors. Additionally, more often than not our rural States are ground zero for the rapidly increasing methamphetamine manufacturing and distribution. It is on Byrne funding that rural States and small towns rely to stem the scourge of methamphetamine.

Byrne funding is the backbone of counterdrug enforcement and prosecution efforts in Vermont. Over the years, Vermont has been able to support a broad spectrum of projects within corrections, courts, training, forensics, and domestic violence and victim services. Chances are none of these initiatives will be possible under the new Byrne program formula because of the drop in funding level and funding distribution method. Since FY 2004, after which the new formula was applied, Byrne funds to Vermont have dropped by more than \$1.2 million, or 61 percent. Clearly, the Byrne program affords States and communities the ability to use funding for a variety of crime-fighting activities, but unfortunately not the means.

I appreciate the willingness of Congressman SENSENBRENNER to work with me during our negotiations to find a solution to ease the loss of Byrne grants by small rural States during these tough fiscal times. The agreement we came to provides for reserved funds that allow the Attorney General

to set aside up to 5 percent of the total amount made available for Byrne formula grants for States or local governments to combat, address or otherwise respond to precipitous or extraordinary increases in crime; or to prevent, compensate for or mitigate significant programmatic harm resulting from operation of the new Byrne formula.

We increase the authorization for grants to drug courts to \$70 million for each of fiscal years 2007 and 2008. In addition, we provide for targeted technical assistance and training by the newly created Community Capacity Development Office to assist applicants in how to successfully pursue grants under the program, and to strengthen existing State drug court systems. Under that technical assistance and training, the Community Capacity Development Office will consider and respond to the unique needs of rural States, rural areas and rural communities that wish to implement and enhance drug court systems.

I am pleased that this compromise package provides an extension through 2009 for the Campbell-Leahy Bulletproof Vest Partnership Grant Program, an existing matching grant program authorized at \$50 million to help State, tribal, and local jurisdictions purchase armor vests for use by law enforcement officers.

Our former colleague, Senator Campbell, and I authored the Bulletproof Vest Grant Partnership Act of 1998 in response to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border, in which two State troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with life-saving body armor, but the State and local law enforcement officers lacked protective vests because of the cost. Two years later, we successfully passed the Bulletproof Vest Partnership Grant Act of 2000, and in the closing days of the last Congress we again successfully extended the program's authorization through 2007 by including it in the State Justice Institute Reauthorization Act, Public Law 108-372.

Year after year, the Bulletproof Vest Partnership Program saves the lives of law enforcement officers nationwide by providing more help to State and local law enforcement agencies to purchase body armor. Since its inception in 1999, this highly successful DOJ program has provided law enforcement officers in 16,000 jurisdictions nationwide with nearly 350,000 new bulletproof vests. In Vermont, more than 150 municipalities have been fortunate to receive funding for the purchase of 1,400 vests. Without the Federal funding given by this program, I daresay there would be close to that number of police officers without vests in Vermont today.

We know that body armor saves lives, but the cost has put these vests out of the reach of many of the officers who need them. This program makes it more affordable for police departments

of all sizes. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of this program. This is the least we should do for the officers on the front lines who put themselves in danger for us every day. I want to make sure that every police officer who needs a bulletproof vest gets one.

I am also pleased that we include a \$4 million authorization for SEARCH's National Technical Assistance and Training Program. SEARCH is the only no-cost service for small- and medium-sized criminal justice agencies nationwide to assist them in enhancing and upgrading their information systems, building integrated information systems that all criminal justice agencies need, and ensuring compatibility between local systems and State, regional and national systems.

I thank my colleagues again for supporting the final passage of this compromise package so that all of this bipartisan and bicameral work, as well as all the good that this legislation will do, will reach the President's desk and become law. And again I particularly want to thank Senate Judiciary Chairman SPECTER and Senators BIDEN and KENNEDY, who worked so hard to help construct a good, fair and balanced compromise. Likewise, I want to thank Chairman SENSENBRENNER and Representative CONYERS of the House Judiciary Committee for working with us to conclude these negotiations so successfully.

The staffs of these Members must also be recognized for their tireless work around the clock to bring so many pieces together into a winning package. In particular, the House Judiciary Committee staff has been enormously helpful, including Phil Kiko, Katy Crooks, Brian Benczkowski, George Fishman, Cindy Blackston, Perry Apelbaum, Sampak Garg, Stacey Dansky and Kristin Wells. The Senate Judiciary Committee staff has shown outstanding commitment to this legislation. I want to thank Mike O'Neill, Brett Tolman, Lisa Owings, Joe Jacquot, Juria Jones and Hannibal Kemerer with Chairman SPECTER; Louisa Terrell, Eric Rosen and Marcia Lee with Senator BIDEN; and Janice Kaguyutan and Christine Leonard with Senator KENNEDY. Last, but by no means least, I want to commend members of my own staff—Bruce Cohen, Ed Pagano, Tara Magner, Matt Nelson and Jessica Berry—for their unflinching support for these provisions, and for their hard work in bringing this compromise package to the floor.

I look forward to both Senate and House passage of this bipartisan, bicameral package to reauthorize the Violence Against Women Act and the Department of Justice. Mr. President, this is an important piece of legislation that will make a difference in the lives of millions of Americans, and it deserves our full support.

Mr. BROWNBACK. Mr. President, I applaud the sponsors of this bill to reauthorize the Violence Against Women Act for their tireless leadership in the campaign to end the abuse of women. In particular, I thank them for their foresight in incorporating the International Marriage Broker Regulation Act of 2005 "IMBRA" as one of its subtitles. This important piece of legislation, which I introduce with Senator MARIA CANTWELL in the Senate, is intended to address Congress' concerns about a significant and growing problem: the high incidence of violent abuse of foreign women brought to this country as fiancées or spouses by American men whom they meet through for-profit international marriage brokers "IMBs," commonly known as "mail-order bride" agencies.

After learning from the Tahirih Justice Center and other front-line experts about the terrible circumstances in which many of these women find themselves, I convened a hearing of the Senate Foreign Relations Committee in July 2004 to call attention to the abuse and exploitation of women and their children through this industry. Since it comes as a great surprise to many people that such agencies actually exist in the modern day, that are legal in this country, and that they are on the rise, not the decline, I want to share some further background that will explain why it is so important that Congress has acted today to compel the industry and its clients to clean up their act.

First, this is an increasing problem. The IMB industry has exploded in recent years, greatly facilitated by the Internet. According to statistics from the U.S. Citizenship and Immigration Services, an estimated one-third to one-half of all foreign fiancées admitted to the U.S. each year—9,500 to 14,500 women in 2004 alone—and many thousand more admitted foreign wives, have met their American husbands through IMBs. The number of foreign fiancées admitted to the U.S. more than doubled between 1998 and 2002, and continues to climb.

Second, the industry bears significant responsibility for women's vulnerability to abuse, and has done little if anything on its own initiative to safeguard them. Over a half-decade ago, the then-Immigration and Naturalization Service concluded in a report to Congress that, "with the burgeoning number of unregulated international matchmaking organizations and clients using their services, the potential for abuse in mail-order marriages is considerable." The INS study further noted that American men who use IMBs tend to seek relationships with women whom they feel they can control. Moreover, the marketing and business practices of IMBs also heighten the risk of abuse by feeding this perception. Agencies often advertise the women they recruit as being submissive to male clients, who might pay up to several thousand dollars to gain access to those women. Other industry

practices, from "satisfaction guarantees" or "shopping cart" features on agency web sites to so-called "romance tours" overseas that virtually line up several hundred women recruits for inspection by a dozen male clients during a single "mixer," make perfectly clear that the woman is the commodity provided for the male client's consumption. An inevitable and dangerous sense of ownership by the men in their costly investments can develop. Several highly publicized murders of women by husbands whom they met through IMBs highlight a growing nationwide trend of abuse. A 2003 survey conducted by the Tahirih Justice Center found that over 50 percent of programs providing legal services to battered immigrant women nationwide had served women battered by men whom they had met through IMBs.

Third, women who are recruited by IMBs are at a tremendous informational disadvantage that a brutal predator can exploit. These foreign fiancées and spouses often are unable to obtain reliable information about the criminal and marital histories of their American fiancées and spouses, and are unaware of the legal rights and resources available to victims of domestic violence in the U.S. An all-too-common result is that women from across the globe are exploited across this country, as a brief memorandum from the Tahirih Justice Center explains, and which I will have printed in the CONGRESSIONAL RECORD.

The information requirements established by this subtitle are designed to require disclosure of the kinds of criminal convictions in the background of a petitioning American fiancé or spouse that indicate he could be prone to domestic violence. This will enable a foreign woman to make an informed decision about coming to this country for marriage to an American man, in advance, with her safety and that of her children in mind. The provisions of this subtitle would also provide her with information about where she can turn for help, including vital safety nets and social services available to domestic violence and sexual assault victims, if she experiences abuse at the hands of her American fiancé or spouse.

A simple but incredibly powerful premise drives these provisions: that this information can help a woman help herself, help her save herself or her child from becoming the next victim of a predatory abuser. Through this information and other safeguards, this important legislation will help prevent those intent on doing women harm from perverting and subverting both the institution of marriage and the immigration process to find new victims overseas.

So again, I thank my colleagues for their inclusion of these vital protections, and thank them, too, on behalf of the women and children whom they have spared today from tragedies tomorrow.

I ask unanimous consent the memorandum be printed in the RECORD.

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

ILLUSTRATIVE CASES OF WOMEN AND THEIR CHILDREN EXPLOITED AND ABUSED THROUGH THE INTERNATIONAL MARRIAGE BROKER INDUSTRY

Alabama: Thomas Robert Lane was charged with the murder of his estranged Filipina wife, Teresa Lane. Teresa's body was discovered in a bathtub filled with running water. Authorities found evidence that Lane drowned his wife by pinning her under the water with his foot. A forensic physician determined that Teresa was also subjected to blunt force trauma. During the couple's separation, Lane had been trying to arrange to marry yet another woman from the Philippines.

California: Marilyn Carroll married Steffan Carroll in the Philippines in 1988. One year later, he traveled to Thailand to marry another young woman, Preeya. Before marrying his second wife, Carroll assured her that it was legal in California to have two wives. The bigamous marriage ended when Marilyn called the police to report that Carroll had sexually assaulted her—restraining her with thumbcuffs and other devices during the attack. Carroll was charged with bigamy and false imprisonment.

Georgia: Shortly after Katerina Sheridan, a young woman from Siberia, married Frank Sheridan, he kept her a virtual prisoner, forbidding her to keep her own set of house keys, and taking away her visa, passport, and birth certificate. Later, he also took away her cell phone and cut all the phone lines in the house. He flew into violent rages, on one occasion beating Katerina and dragging her around the house by her legs. After several such incidents, Katerina told him that she wanted to go back to Russia. In retaliation, Sheridan stabbed himself and then accused her of doing it to get her thrown in jail. Later, Katerina managed to make it to a women's shelter, but Sheridan stalked her relentlessly and tried to get her detained and deported. When police went to arrest Frank for aggravated stalking, they discovered he was in Russia looking for a new bride. Months later, when an officer went to arrest Sheridan for another stalking-related crime, he shot the officer. The deputy returned fire and killed Sheridan.

Hawaii: The mutilated body of a young Filipina woman, Helen Mendoza Krug, was found in a garbage dumpster behind her high-rise apartment building. The murder was committed in front of her 2-year-old son by her husband, Robert Krug, whom she had met through an IMB. Krug was sentenced to life in prison.

Kentucky: "Dina" corresponded with her husband "Paul," an anesthesiologist, for several months before she agreed to marry him when he visited her and her family in Ethiopia. When she came to the United States, however, Paul took Dina's money and passport, brought her to a motel (the first of five), and kept her drugged and imprisoned for weeks while he subjected her to horrific physical, sexual, and mental abuse. Paul also threatened Dina that she, not Paul, would be arrested and jailed if she reported him to the police. Only when Paul left to attend a conference for a few days did she regain enough consciousness and strength to drag herself to the motel office for help. Paul killed himself before he could be prosecuted. Dina received protection under US trafficking laws.

Minnesota: Soon after "Medina," a Ukrainian college professor, married "Thomas," a well-respected doctor, Thomas turned controlling and violent. Among other outbursts,

he threatened Medina with a knife; kicked her in the chest; and even attempted to push her out of a moving car. Thomas also slept with an ax in his drawer and threatened to have her deported if she ever called the police. Medina left Thomas after he broke her son's finger. Today, Medina continues to live in constant fear of Thomas, who stalks and harasses her. Despite knowing about Medina's abuse, the IMB facilitated a new match between Thomas and another Ukrainian woman who also later fled because of abuse. Medina was Thomas' third wife; he had also abused at least one of his prior wives.

New Jersey: A 26-year-old Ukrainian engineer named Alla bled to death on the floor of her car after her husband Lester Barney, 58, slashed her throat in front of the couple's 4-year-old son, Daniel. Barney fled with Daniel from the scene, the parking lot of the boy's daycare center, but after an Amber Alert was triggered he turned Daniel over to a friend and was himself taken into custody by police. Alla had been granted a restraining order against Barney a few months before and had been given temporary custody of Daniel.

New York: Andrew Gole, a former policeman from Long Island, was convicted of murdering Martha Isabel Moncada on a trip back to her home country, Honduras, after she told him she did not want to return with him to the United States. Martha had tried to leave the abusive Gole before, but had feared losing custody of their newborn son to him. Gole strangled and dismembered Martha in their hotel room in front of their baby and Martha's disabled son from her first marriage, then dumped her remains along the roadside. Police arrested Gole as he tried to flee the country after abandoning the older boy at a gas station.

Pennsylvania: Though she was trained as an accountant, Norman McDonald compelled his Ukrainian wife to take several waitress jobs and rely on him for transportation so he would have long stretches of time alone with her daughter, who was only 3 when the couple married. With his wife securely out of the house, McDonald showed the toddler pornographic videos of what he wanted to do to her and then raped her. Two years after the abuse started, his wife discovered what McDonald was doing and immediately contacted the police. Authorities found more than 10,000 images of child pornography in McDonald's computer and hundreds of video clips that depicted him having sex with his stepdaughter. McDonald's 28-year-old daughter from a previous marriage testified that her father had also abused her as a child.

Texas: Jack Reeves, a retired U.S. Army officer, was convicted of killing his fourth wife, Emelita Reeves, a 26-year-old from the Philippines whom he met through an IMB called "Cherry Blossoms." Emelita had confided to family and friends that Reeves physically and sexually abused her, and told friends she planned to leave him a day before she disappeared. Two of Reeves' previous wives also died under suspicious circumstances (drowning and suicide). During the investigation into Emelita's death, the State re-opened the investigation into Reeves' second wife's death, and obtained a further conviction against him. The State did not have enough evidence to re-open the investigation into the third wife's murder because Reeves had cremated her body. Reeves was also suspected in the mysterious disappearance of a Russian woman with whom he had lived with in 1991.

Virginia/Maryland: A young Ukrainian medical student named "Nina" married "John," a U.S. military officer residing in Virginia whom she met through a Maryland-based IMB with a "satisfaction guaranteed"

policy. Throughout their one-year marriage, John repeatedly physically and emotionally abused Nina, shaking her violently and insisting that she repeat the commands he gave her. He choked, raped, and beat her on several occasions, ripped a tooth out of her mouth, and threatened her with a knife. When Nina informed the president of the IMB about the abuse, the president said that Nina's experience was normal and that many girls had the same problem. The president said domestic violence is "just the American culture," and abuse is "very hard to prove."

Washington: Susanna Blackwell met her husband through an IMB called "Asian Encounters" and left the Philippines to settle with him in Washington state in 1994. Blackwell physically abused Susanna, including one incident in which he choked her the day after their wedding. Susanna reported the abuse to the police and obtained a protection order against him. While awaiting divorce/annulment proceedings in a Seattle courtroom many months later, the pregnant Susanna and two of her friends were shot to death. Blackwell was convicted of murdering all three women.

Anastasia King, a young woman from Kyrgyzstan, was found strangled to death and buried in a shallow grave in Washington state in December 2000. At the age of 18, Anastasia was selected by her husband, Indle King, out of an IMB's catalogue of prospective brides. Two years later, wanting another bride and allegedly unwilling to pay for a divorce, King ordered a tenant in their Washington home to kill Anastasia. Weighing nearly 300 pounds, King pinned Anastasia down while the tenant strangled her with a necktie. Both were convicted of murder. King's previous wife, whom he had also met through an IMB, had a domestic violence protection order issued against him and left him because he was abusive.

Mr. KENNEDY. Mr. President, I strongly support the Violence Against Women Act of 2005, and I commend Senator BIDEN, Senator SPECTER, Senator LEAHY and Senator HATCH for their bipartisan leadership on this very important legislation. The current authorization for the act expired on September 30, and it has taken far too long to build upon the successes of existing anti-violence against women programs and enhance the safety and security of the victims of domestic violence, dating violence, sexual assault, and stalking.

We have a responsibility in Congress to do all we can to eradicate domestic violence. Our bill gives the safety of women and their families the high priority it deserves, and I urge my colleagues in the House to support it.

This bill eases housing problems for battered women. It also includes new funds for training health professionals to recognize and respond to domestic and sexual violence, and to help public health officials recognize the need as well. The research funds provided by the bill are vital, because we need the best possible interventions in health care settings to prevent future violence.

Violence against women can occur at any point in a woman's life, beginning in childhood and taking place in a wide variety of circumstances and settings. It's essential for any bill on such violence to include girls and young women as well, and this bill does that.

Another important section of the bill provides greater help to immigrant victims of domestic violence, sexual assault, trafficking and similar offenses. This section will remove the obstacles in our current immigration laws that prevent such victims from safely fleeing the violence in their lives, and help dispel the fear that often prevents them from reporting their abusers to appropriate authorities.

Eliminating domestic violence is especially challenging in immigrant communities, since victims often face additional cultural, linguistic and immigration barriers to their safety. Abusers of immigrant spouses or children are liable to use threats of deportation to trap them in endless years of violence. Many of us have heard horrific stories of violence in cases where the threat of deportation was used against spouses or children—"If you leave me, I'll report you to the immigration authorities, and you'll never see the children again." Or the abuser says, "If you tell the police what I did, I'll have immigration deport you."

Congress has made significant progress in enacting protections for these immigrant victims, but there are still many women and children whose lives are in danger. Our legislation does much more to protect them, and I commend the sponsors for making domestic violence in immigrant communities an important priority.

The improvements in immigration protections in the bill are designed to help prevent the deportation of immigrant victims who qualify for immigration relief under the Violence Against Women Act (VAWA). It will consolidate adjudications of such immigration cases in a specially trained unit, enhance confidentiality protections for victims, and offer protection to vulnerable immigrant victims who had been left out of the protections in current law.

Overall, the bill represents major new progress in protecting women from violence, and I look forward to early action by the House in this important reauthorization.

I ask unanimous consent that a more detailed summary of the provisions on immigrants be printed at this point in the RECORD.

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

#### SECTION 104

This section provides important improvements to legal services for immigrant victims of domestic violence, sexual assault, trafficking and other crimes. This provision authorizes organizations receiving funds from the Legal Services Corporation to use the funds including Legal Services funds to represent any victim of domestic violence, sexual assault, trafficking or other crimes listed under the U visa provisions of the Immigration and Nationality Act. Across the country, many immigrant victims have nowhere to turn for legal help. This section will

allow Legal Services Corporation-funded programs to represent victims in any type of case, including family law, public benefits, health, housing, immigration, restraining orders, and other legal matters, regardless of the victim's immigration status.

## SECTION 805

This section assures that self-petitioners under the Act and their children are guaranteed all of the Act's aging out protections and any benefits they qualify for under the Child Status Protection Act of 2002, which deals with the lengthy processing backlogs which made "aging out" a significant problem for child beneficiaries who turned 21 years old.

## SECTION 813

This section deals with cases of immigrant victims of abuse who have been ordered removed, or who are subject to expedited removal if they leave the U.S. and attempt to reenter the country later. Once they are reinstated in removal proceedings, they cannot obtain relief under current law, even if they have a pending application for such relief. This section makes clear that the Secretary of Homeland Security, the Attorney General, and the Secretary of State have discretion to consent to a victim's reapplication for admission after a previous order of removal, deportation, or exclusion.

## SECTION 814

This section gives the Department of Homeland Security statutory authority to grant work authorization to approved self-petitioners under the Act. This provision will streamline a petitioner's ability to receive work authorization, without having to rely solely upon deferred action as the mechanism through which petitioners receive work authorization.

The section also grants work authorization to abused spouses of persons admitted under the A, E-3, G, or H non-immigrant visa programs. These spouses have legal permission to live in the United States under their spouses' visas, but they are not entitled to work authorization under current law. The spouses and their children are completely dependent on the abuser for their immigration status and financial support, and they often have nowhere to turn for help. Financial dependence on their abusers is a primary reason why battered women are often reluctant to cooperate in domestic violence criminal cases. With employment authorization, many abused spouses protected by this section will be able to work legally, and can have a source of income independent of their abusers.

Requests for work authorization by these abused spouses will be handled under the procedures for petitioners under the Act and the specially trained VAWA unit at the Vermont Service Center will adjudicate these requests.

The VAWA unit employs specially-trained adjudicators who handle petitions filed by at-risk applicants for relief under the Act, for T visas, for U

visas, for adjustment of status and employment authorizations, as well as protections under the Haitian Refugee Immigrant Fairness Act and Sections 202 and 203 of the Nicaraguan Adjustment and Central American Relief Act. The unit also deals with waivers for battered spouses, parole for their children granted VAWA cancellation, and parole for approved petitioners under the Act.

## SECTION 818

This section extends confidentiality protections to the Department of Homeland Security, the Department of Justice, and the Department of State. Under these provisions, immigration enforcement agents and government officials may not use information furnished by an abuser, crime perpetrator or trafficker to make an adverse determination on the admissibility or deportability of an individual. One of the goals of this section is to ensure that these government officials do not initiate contact with abusers, call abusers as witnesses, or rely on information from abusers to apprehend, detain and attempt to remove victims of domestic violence, sexual assault, trafficking, or other crimes.

This section gives the specially trained VAWA unit the discretion to refer victims to non-profit non-governmental organizations to obtain a range of needed assistance and services. Referrals should be made to programs with expertise in providing assistance to immigrant victims of violence and can be made only after obtaining written consent from the immigrant victim.

The section also requires the Department of Homeland Security and the Department of Justice to provide guidance to officers and employees who have access to confidential information under this section in order to protect victims of domestic violence, sexual assault, trafficking and other crimes from harm that could result from inappropriate disclosure of confidential information.

## SECTION 827

This section deals with issues under the Real ID Act of 2005 which imposes a new national requirement that all applicants for driver's licenses or state identification cards must furnish their physical residential address in order to obtain a federally valid license or identification card. The current requirement jeopardizes victims of violence who may be living in confidential shelters for battered women, or fleeing their abuser. The section instructs the Department of Homeland Security and the Social Security Administration to give special consideration to these victims by allowing them to use an alternate safe address in lieu of their residence. Our goal here is to guarantee the continuing protection and necessary mobility for these women and their families.

## SECTION 831

This section is intended to deter abusive U.S. citizens from using the fiancé

visa process and to help foreign fiancés obtain information about their prospective U.S. citizen spouse that can help them protect themselves against domestic violence. Citizens filing K visa fiancé petitions will be required to disclose certain criminal convictions on the K visa application for a fiancé or spouse.

In addition, this section requires the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State to develop an information pamphlet for K visa applicants on the legal rights and available resources for immigrant victims of domestic violence.

Mr. COBURN. Mr. President, the Violence Against Women Act, VAWA, approved by the Senate today contains an important provision that is intended to protect women who have already been victimized once by sexual assault from being assaulted again by either the deadly AIDS virus or the legal system which may deny them potentially life-saving information.

Section 102 of VAWA now encourages States to implement laws that provide victims of sexual assault and rape the opportunity to know if the person indicted for the assault is infected with HIV. This new provision will require the Attorney General to reduce the amount of funding provided under Section 102 by 5 percent to a State or local government that has not demonstrated that laws are in place to allow a victim to request that a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, be tested for HIV disease if the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV. The defendant must undergo the test not later than 48 hours after the date on which the information or indictment is presented, and as soon thereafter as is practicable the results of the test must be made available to the victim. As medically appropriate, the victim may request follow-up testing of the defendant. If a State or local government does not currently allow victims of sexual assault such protections, assurances must be made to the Attorney General that the state legislature will bring their laws into compliance before the end of their next session or within 2 years. The 5 percent penalty will not go into effect until the expiration of the two year extension.

The bill will also now allow Federal VAWA funds to be used to pay for HIV testing of sexual assault perpetrators and notification and counseling programs.

These provisions are desperately needed to address a real, grievous injustice that victims of sexual assault are facing in many states.

In the summer of 1996, a 7-year-old girl was brutally raped by a 57-year-old aged man who later told police he was infected with HIV. The little girl and

her 5-year-old brother had been lured to a secluded, abandoned building in the East New York section of Brooklyn. The man raped and sodomized the girl. Her brother, meanwhile, was beaten, tied up, and forced to witness his sister's rape. After the man's arrest, the defendant refused to be tested for the AIDS virus by the Brooklyn District Attorney's office. His refusal to take the test was permitted under State law.

In the spring of 2002, Ramell Rodgers repeatedly raped "Jane," a female New York cab driver at gunpoint. The New York Daily News reported at the time that "Rodgers is in jail awaiting trial, while 'Jane' spends her days vomiting from drugs she takes to stave off sexually transmitted diseases she may have contracted in the attack. Officials say DNA evidence links Rodgers to the March 31 assault. According to sources close to the case, he has even admitted guilt. But he is not required to be tested for diseases until he is formally convicted."

"Jane" is determined to change the law to protect others who have been victimized by rape and sexual assault. Disguised in a scarf, wig sunglasses, she spoke at a New York State Federation of Taxi Drivers press conference:

As a precaution, I have to take "four different medicines [to help protect against HIV, chlamydia, herpes and other STDs], and I was told that, unless this guy volunteers for the test, I had to wait until he was convicted." She added: "If you are assaulted, you should have the right to know whether or not this person has infected you with anything."

One November evening in 2002, Doris Stewart, who was then 64, was awakened from her sleep when she heard a knock at her front door. When she went to the door, a man forced his way inside, then raped, sodomized and robbed her. Stewart's assault was just the beginning of her emotional distress. She harbors fears that her assailant may have HIV, but she has no way of knowing with certainty because Alabama is another of the few States that do not require testing of rape suspects for HIV. Stewart, who was advised by rape counselors to wait about 2 months before being tested, lived with fear of the unknown for months because it can take at least 3 to 6 months for HIV to be detected after infection. "Everybody I talk to thinks it's so unfair that there's no law in Alabama," said Stewart who has attempted to change the state law to protect future rape victims.

There are countless stories of other women and children who have been victims of rape and sexual assault who have been denied access to this potentially life saving information. In some circumstances, rape defendants have even used HIV status information as a plea bargaining tool to reduce their sentences.

As a practicing physician, I believe that it is vitally important that those who have been raped do not also become victims of HIV/AIDS, and that re-

quires timely medical attention including prompt testing of the defendant. Treatment with AIDS drugs in the immediate aftermath, usually within 72 hours, of exposure can significantly reduce the chance of infection. However, because of the toxicity and long-term side effects, these drugs should not be administered for long periods without knowing if HIV exposure has occurred.

Victims can not rely solely on testing themselves because it can take weeks, sometimes months, before HIV antibodies can be detected. Therefore, testing the assailant is the only timely manner in which to determine if someone has been exposed to HIV. Furthermore, rapid tests are now available that can diagnose HIV infection within 20 minutes with more than 99 percent accuracy.

The American Medical Association supports this policy because "early knowledge that a defendant is HIV infected would allow the victim to gain access to the ever growing arsenal of new HIV treatment options. In addition, knowing that the defendant was HIV infected would help the victim avoid contact which might put others at risk of infection."

While the HIV infection rate among sexual assault victims has not been studied, the National Rape Crisis Center estimates the rate is higher than the general population because the violent nature of the forced sexual contact increases the chances of transmission.

I was very disappointed that the National Center for Victims of Crime, NCVV and the American Civil Liberties Union, ACLU, opposed this provision. NCVV claimed that "mandatory testing of sex offenders may not be in the best interest of the victim/survivor." The ACLU claimed that "forced HIV testing, even of those convicted of a crime, infringes on constitutional rights and can only be justified by a compelling governmental interest. No such interest is present in the case of a rapist and his victim because the result of a rapist's HIV test, even if accurate, will not indicate whether the rape victim has been infected."

The medical facts are quite obvious why knowledge of HIV exposure is vital to victims of sexual assault and it is astonishing that anyone would argue otherwise.

Claims that providing this information to victims would compromise "privacy" are also quite shocking. Exactly whose rights are being protected by denying a victim of sexual assault the right to know if she has been exposed to the deadly AIDS virus when she was raped? If sufficient evidence exists to arrest and jail a rape suspect, the victim should have the right to request that the suspect be tested for HIV.

Finally, the claim that testing of indicted rapists is unconstitutional is also unfounded. Numerous court decisions, in fact, have concluded otherwise.

In 1997, the New Jersey Supreme Court unanimously upheld the con-

stitutionality of two state laws that require sex offenders to undergo HIV testing. The ruling followed the case of three boys who forcibly sodomized a mentally-retarded 10-year-old girl. At the request of the girl's guardian, HIV testing was ordered for each of the defendants. The boys' public defender opposed such testing. The court ruled that the victim's need to know outweighed the defendants' rights to privacy and confidentiality.

In December 1995, a Florida appeals court upheld the constitutionality of a state law allowing judges to order defendants charged with rape to submit to HIV testing. Duane Fosman was arrested and charged with armed sexual battery. At the request of the accuser, a Broward County trial judge ordered Fosman to be tested for HIV antibodies. Under the Florida law, a crime victim can ask a judge to order HIV testing of a defendant who has been charged with any one of 12 offenses, including sexual battery. The test results are disclosed only to the victim, the defendant and public health authorities. Fosman argued that the testing and taking of his blood amounted to an unreasonable search that violated the fourth amendment of the U.S. Constitution. He also said the action violated Article I, Section 23, of the Florida Constitution, which guarantees a person's right to be free from Governmental intrusion in his private life. In addition, he asserted that the law is unconstitutional because it doesn't give him an opportunity to rebut the presumption of probable cause. A three-judge panel of the Court of Appeal, Fourth District, said Fosman's situation was analogous to blood and urine testing for drug or alcohol use. In 1989, the U.S. Supreme Court in *Skinner v. Railway Labor Executive's Association* ruled it was constitutionally permissible to test railroad workers who were involved in serious train crashes. In a companion case, *National Treasury Employees Union v. Von Raab*, the high court allowed mandatory drug testing, without probable cause, of customs employees. Under the same rationale, the Illinois Supreme Court upheld a law which required HIV testing of persons convicted of prostitution, and a California appeals court affirmed a law requiring HIV testing of defendants charged with biting or transferring blood to a police officer. In each of the cases, the "special needs" of the public outweighed the individual's demand that probable cause be established, the Florida court said. "Even if the petitioner had a reasonable expectation of privacy, society's interest in preventing members of the public from being exposed to HIV would be a sufficient compelling state interest to justify the infringement of that right," the court said. It found the law to be "the least intrusive means" to deal with HIV transmission because blood tests are routine and disclosure of test results are limited.

It is my hope that those States that do not allow victims of sexual assault the right to know the HIV status of their attacker will update their laws and begin protecting the rights of the victims rather than the perpetrators.

I also thank Chairman SPECTER and Senator BIDEN for including this important provision.

Mr. KYL. Mr. President, I rise today to comment on the Senate's passage of H.R. 3402, the Violence Against Women and Department of Justice Reauthorization Act of 2005. My comments are directed at Title X of the bill, the "DNA Fingerprint Act of 2005." This provision is nearly identical to S. 1606, a bill of the same name that Senator Cornyn and I introduced earlier this year. The DNA Fingerprint Act was added to the Senate version of VAWA reauthorization, S. 1197, in the Senate Judiciary Committee on a Kyl/Cornyn amendment that was accepted by voice vote. I am pleased to see that this provision has been maintained in the final bill.

The DNA Fingerprint Act will allow State and Federal law enforcement to catch rapists, murderers, and other violent criminals whom it otherwise would be impossible to identify and arrest. The principal provisions of the bill make it easier to include and keep the DNA profiles of criminal arrestees in the National DNA Index System, where that profile can be compared to crime-scene evidence. By removing current barriers to maintaining data from criminal arrestees, the Act will allow the creation of a comprehensive, robust database that will make it possible to catch serial rapists and murderers before they commit more crimes.

The impact that this act will have on preventing rape and other violent crimes is not merely speculative. We know from real life examples that an all-arrestee database can prevent many future offenses. In March of this year, the City of Chicago produced a case study of eight serial killers in that city who would have been caught after their first offense—rather than after their fourth or tenth—if an all-arrestee database had been in place. This study is included in the congressional record at the conclusion of my introduction of S. 1606, at 151 Cong. Rec. S9529-9531 (July 29, 2005).

The first example that the Chicago study cites involves serial rapist and murderer Andre Crawford. In March 1993, Crawford was arrested for felony theft. Under the DNA Fingerprint Act, the State of Illinois would have been able to take a DNA sample from Crawford at that time and upload and keep that sample in NDIS, the national DNA database. But at that time—and until this bill may be enacted—Federal law makes it difficult to upload an arrestee's profiles to NDIS, and bars States from keeping that profile in NDIS if the arrestee is not later convicted of a criminal offense. As a result, Crawford's DNA profile was not

collected and it was not added to NDIS. And as a result, when Crawford murdered a 37-year-old woman on September 21, 1993, although DNA evidence was recovered from the crime scene, Crawford could not be identified as the perpetrator. And as a result, Crawford went on to commit many more rapes and murders.

On December 21, 1994, a 24-year-old woman was found murdered in an abandoned building on the 800 block of West 50th place in Chicago. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the September 1993 murder, and this December 1994 murder could have been prevented.

On April 3, 1995, a 36-year-old woman was found murdered in an abandoned house on the 5000 block of South Carpenter Street in Chicago. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the two earlier murders that he had committed, and this April 1995 murder could have been prevented.

On July 23, 1997, a 27-year-old woman was found murdered in a closet of an abandoned house on the 900 block of West 51st Street in Chicago. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the three earlier murders that he had committed, and this July 1997 murder could have been prevented.

On December 27, 1997, a 42-year-old woman was raped in Chicago. As she walked down the street, a man approached her from behind, put a knife to her head, dragged her into an abandoned building on the 5100 block of South Peoria Street, and beat and raped her. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the four earlier murders that he had committed, and this December 1997 rape could have been prevented.

In June 1998, a 31-year-old woman was found murdered in an abandoned building on the 5000 block of South May Street in Chicago. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the four earlier murders

and one rape that he had committed, and this June 1998 murder could have been prevented.

On August 13, 1998, a 44-year-old woman was found murdered in an abandoned house on the 900 block of West 52nd Street. Her clothes were found in the alley. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the five earlier murders and one rape that he had committed, and this August 1998 murder could have been prevented.

Also on August 13, 1998, a 32-year-old woman was found murdered in the attic of a house on the 5200 block of South Marshfield. Her body was decomposed, but DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the six earlier murders and one rape that he had committed, and this additional murder could have been prevented.

On December 8, 1998, a 35-year-old woman was found murdered in a building on the 1200 block of West 52nd Street. She had rope marks around her neck and injuries to her face. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the seven earlier murders and one rape that he had committed, and this December 1998 murder could have been prevented.

On February 2, 1999, a 35-year-old woman was found murdered on the 1300 block of West 51st Street. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the eight earlier murders and one rape that he had committed, and this February 1999 murder could have been prevented.

On April 21, 1999, a 44-year-old woman was found murdered in the upstairs of an abandoned house on the 5000 block of South Justine Street. DNA evidence was recovered. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the nine earlier murders and one rape that he had committed, and this April 1999 murder could have been prevented.

And on June 20, 1999, a 41-year-old woman was found murdered in the attic of an abandoned building on the 1500 block of West 51st Street. DNA evidence was recovered from blood on a

nearby wall, indicating a struggle. That DNA evidence identifies Crawford as the perpetrator. If the DNA Fingerprint Act had been law, and Crawford's profile had been collected after his March 1993 arrest, he would have been identified as the perpetrator of the ten earlier murders and one rape that he had committed, and this additional murder could have been prevented.

As the City of Chicago case study concludes:

In January 2000, Andre Crawford was charged with 11 murders and 1 Aggravated Criminal Sexual Assault. If his DNA sample had been taken on March 6, 1993, the subsequent 10 murders and 1 rape would not have happened.

The City of Chicago study goes on to discuss the cases of 7 other serial rapists and murders from that city. Each of these criminals had a prior arrest that could have been a basis for a DNA collection but had no prior conviction. Collectively, together with Andre Crawford, these 8 serial rapists and killers represent 22 murders and 30 rapes that could have been prevented had an all-arrestee database been in place.

The DNA Fingerprint Act eliminates current Federal statutory restrictions that prevent states from adding and keeping arrestee profiles in NDIS. In effect, the Act would make it possible to build a comprehensive, robust national all-arrestee DNA database.

Here is how the DNA Fingerprint Act works. First, the Act eliminates current Federal statutory restrictions that prevent an arrestee's profile from being included in NDIS at the same time that fingerprints are taken and added to the national database. Under current law, as soon as someone is arrested, fingerprints can be taken as part of the booking procedure and uploaded to the national database. But DNA cannot be uploaded until the arrestee is charged in an indictment or information, which can take weeks. Allowing local authorities to collect and upload DNA at the same time as fingerprints—as part of a unified procedure—establishes a clear and straightforward process, making it easier and thus more likely that states will move to an all-arrestee database.

Second, current law places the burden on the State to remove an arrestee DNA sample from NDIS if the arrestee later is acquitted or charges are dismissed. The U.S. Justice Department has criticized this as an unwieldy requirement to impose on State labs—it effectively requires lab administrators to track the progress of individual criminal cases. Under the DNA Fingerprint Act, an arrestee will be required to take the initiative to have his profile removed from NDIS if he does not want it compared to future crime-scene evidence. The arrestee will be required to file a certified copy of a final court order establishing that all indexable charges have been dismissed, have resulted in acquittal, or that no charges were filed within the applicable time

period. This is the same system that some States use if an arrestee wants to have an arrest struck from his record. And it is more restrictive of law enforcement than the rule for fingerprints—there is no expungement of fingerprints from the national database, even if the arrestee is acquitted or charges are dismissed.

The bureaucratic burden imposed by the current system discourages States from creating and maintaining comprehensive, all-arrestee DNA databases. It also effectively precludes the creation of a genuine national all-arrestee database; only convicts' DNA profiles can be kept in the national database over the long term.

Some critics have complained that this expungement provisions in the DNA Fingerprint Act do not require expungement for State offenses that have no statute of limitations—i.e., for offenses for which the “applicable time period” does not expire. Others have complained that some States may not make certified court orders available for all of the scenarios under which expungement is contemplated under this bill. The answer to all of these complaints is that these are questions for the States to resolve. If a state chooses to abolish its statute of limitations for murder, rape, or other crimes, that is the State's decision to make. Certainly a person arrested for a serious crime in a State with no statute of limitation for the offense would be more significantly burdened the fact that he may be subject to further arrest and prosecution at any time than by the fact that his DNA is in the national database and may identify him if he commits a crime. Similarly, it is up to the States to decide when certified court orders should be made available to memorialize particular events. All that the DNA Fingerprint Act requires is that if the State does make such an order available to an arrestee—for example, for purposes of having an arrest struck from his record—then the arrestee could also use that order to have his DNA profile removed from NDIS.

Third, the DNA Fingerprint Act would allow expanded use of Federal DNA grants. Current law only allows these grants to be used to build databases of convicted felons. The DNA Fingerprint Act permits these grants to be used to analyze and database any DNA sample whose collection is permitted by State or local law.

Fourth, the DNA Fingerprint Act allows the Federal Government to take and keep DNA samples from Federal arrestees and from non-U.S. persons who are detained under Federal authority. (A “United States person” is a citizen of the United States or an alien lawfully admitted for permanent residence. See 50 U.S.C. 1801(i).) The act gives the Attorney General the authority to issue regulations requiring the collection of such DNA profiles—including requiring other Federal agencies to collect the profiles. As the Na-

tional Immigration Law Center noted in its October commentary on this section of the Act, “[u]nder this provision, the attorney general could authorize the Dept. of Homeland Security and its immigration agencies to collect DNA samples from immigrants who are arrested and ‘non-United States persons’ who are detained under the authority of the United States.” And as the NILC's commentary also notes, the word “‘detained’ covers a wide spectrum of circumstances. The dictionary definition of ‘detained’ is to keep from proceeding or to keep in custody or temporary confinement.”

Finally, the act tolls the statute of limitations for Federal sex offenses. Current law generally tolls the statute of limitations for felony cases in which the perpetrator is implicated in the offense through DNA testing. The one exception to this tolling is the sexual-abuse offenses in chapter 109A of title 18. When Congress adopted general tolling, it left out chapter 109A, apparently because those crimes already are subject to the use of “John Doe” indictments to charge unidentified perpetrators. The Justice Department has made clear, however, that John Doe indictments are “not an adequate substitute for the applicability of [tolling].” The Department has criticized the exception in current law as “work[ing] against the effective prosecution of rapes and other serious sexual assaults under chapter 109A,” noting that it makes “the statute of limitation rules for such offenses more restrictive than those for all other Federal offenses in cases involving DNA identification.” The DNA Fingerprint Act corrects this anomaly by allowing tolling for chapter 109A offenses.

Further evidence of the potential effectiveness of a comprehensive, robust DNA database is available from the recent experience of the United Kingdom. The British have taken the lead in using DNA to solve crimes, creating a database that now includes 2,000,000 profiles. Their database has now reached the critical mass where it is big enough to serve as a highly effective tool for solving crimes. In the U.K., DNA from crime scenes produces a match to the DNA database in 40 percent of all cases. This amounted to 58,176 cold hits in the United Kingdom 2001. (See generally “The Application of DNA Technology in England and Wales,” a study commissioned by the National Institute of Justice.) A broad DNA database works. The same tool should be made available in the United States.

Some critics of DNA databasing argue that a comprehensive database would violate criminal suspects' privacy rights. This is simply untrue. The sample of DNA that is kept in NDIS is what is called “junk DNA”—it is impossible to determine anything medically sensitive from this DNA. For example, this DNA does not allow the tester to determine if the donor is susceptible to particular diseases. The

Justice Department addressed this issue in its statement of views on S. 1700, a DNA bill that was introduced in the 108th Congress (See Letter of William Moschella, Assistant Attorney General, to the Honorable ORRIN HATCH, April 28, 2004):

[T]here [are no] legitimate privacy concerns that require the retention or expansion of these [burdensome expungement provisions]. The DNA identification system is already subject to strict privacy rules, which generally limit the use of DNA samples and DNA profiles in the system to law enforcement identification purposes. See 42 U.S.C. 14132(b)–(c). Moreover, the DNA profiles that are maintained in the national index relate to 13 DNA sites that do not control any traits or characteristics of individuals. Hence, the databased information cannot be used to discern, for example, anything about an individual's genetic illnesses, disorders, or dispositions. Rather, by design, the information the system retains in the databased DNA profiles is the equivalent of a "genetic fingerprint" that uniquely identifies an individual, but does not disclose other facts about him.

In its September 29 Statement of Views on S. 1197, this year's Senate VAWA bill, the Justice Department commented favorably on the inclusion of the DNA Fingerprint Act in that bill. The Department noted:

Title X of the bill contains provisions we strongly support that will strengthen the ability of the Nation's justice systems to identify and prosecute sexually violent offenders and other criminals through the use of the DNA technology. These reforms have generally been proposed or endorsed by the Department of Justice in previous communications to Congress. See Letter from Assistant Attorney General William E. Moschella to the Honorable Orrin G. Hatch concerning H.R. 3214, at 3–7 (April 28, 2004); Letter from Assistant Attorney General William E. Moschella to the Honorable Orrin G. Hatch concerning S. 1700, at 5–6 (April 28, 2004).

Section 1002 would remove unjustified restrictions on the DNA profiles that can be included in the National DNA Index System ("NDIS"), including elimination of language that generally excludes from NDIS the DNA profiles of arrestees. Section 1003 is a parallel amendment to allow the use of DNA backlog elimination funding to analyze DNA samples collected under applicable legal authority, not limited (as currently is the case) to DNA samples collected from convicted offenders. Section 1004 would authorize the Attorney General to extend DNA sample collection to Federal arrestees and detainees. A number of States (including California, Virginia, Texas, and Louisiana) already have authorized arrestee DNA sample collection under their laws. Section 1004 would create legal authority to extend this beneficial reform to the Federal jurisdiction. Section 1005 would strike language in 18 U.S.C. section 3297 that currently makes that provision's statute of limitations tolling rule for cases involving DNA identification uniquely inapplicable to sexual abuse offenses under chapter 109A of the Federal criminal code.

In one respect, the amendments in section 1002, which are absolutely critical to the future development and effectiveness of the DNA identification system in the United States, fall short of our recommendations. They moderate existing expungement provisions requiring the removal of DNA profiles from NDIS in certain circumstances, but do not completely repeal the expungement pro-

visions of 42 U.S.C. 14132(d), as we have recommended. Paragraph (2) of section 1002 should be amended so that it simply repeals subsection (d) of 42 U.S.C. 14132. We have previously observed:

"States usually do not expunge fingerprint records . . . if the defendant is not convicted, or if the conviction is ultimately overturned, nor are they required to remove fingerprint records in such cases from the national . . . criminal history records systems. There is no reason to have a contrary Federal policy mandating expungement for DNA information. If the person whose DNA it is does not commit other crimes, then the information simply remains in a secure database and there is no adverse effect on his life. But if he commits a murder, rape, or other serious crime, and DNA matching can identify him as the perpetrator, then it is good that the information was retained."

Letter from Assistant Attorney General William E. Moschella to the Honorable Orrin G. Hatch concerning H.R. 3214, supra, at 5; see 150 Cong. Rec. S10914–15 (Oct. 9, 2004) (remarks of Senator Cornyn).

We note with approval that the Committee has made the salutary reforms of title X that expand the collection and indexing of DNA samples and information generally applicable, and has not confined the application of these reforms to cases involving violent felonies or some other limited class of offenses. The experience with DNA identification over the past fifteen years has provided overwhelming evidence that the efficacy of the DNA identification system in solving serious crimes depends upon casting a broad DNA sample collection net to produce well-populated DNA databases. For example, the DNA profile which solves a rape through database matching very frequently was not collected from the perpetrator based upon his prior conviction for a violent crime, but rather based upon his commission of some property offense that was not intrinsically violent. As a result of this experience, a great majority of the States, as well as the Federal jurisdiction, have adopted authorizations in recent years to collect DNA samples from all convicted felons—and in some cases additional misdemeanor categories as well—without limitation to violent offenses. See, e.g., 42 U.S.C. 14135a(d)(1). The principle is equally applicable to the collection of DNA samples from non-convicts, such as arrestees. By rejecting any limitation of the proposed reforms to cases involving violent felonies or other limited classes, the Committee has soundly maximized their value in solving rapes, murders, and other serious crimes.

(Letter of William Moschella, Assistant Attorney General, to the Honorable ARLEN SPECTER, September 29, 2005.)

I note with pride that in addition to receiving the strong support of the Justice Department, the DNA Fingerprint Act is endorsed by the Rape, Abuse, and Incest National Network, Debbie and Rob Smith, and the California District Attorneys Association. I include in the RECORD at the conclusion of my remarks letters from these individuals and organizations supporting the DNA Fingerprint Act.

I would also like to comment on an issue that I chose not to address in the DNA Fingerprint Act but that I may need to address in future legislation. This matter concerns the efficient use of the limited Federal dollars available for offender DNA analysis. Some State crime laboratories recently have been

required to remove criminal offender profiles from the national DNA database system because of Federal regulations that require a 100 percent technical review of offender DNA samples tested by private DNA laboratories, rather than review of a random sampling. Given that private laboratories must meet the same accreditation and quality assurance standards as public laboratories in order to test samples for CODIS, and given that these quality assurance standards include the same reviews of DNA analysis reports which are required of public laboratories, I question why the additional 100 percent review is required.

Moreover, offender DNA samples are not themselves considered evidence. After matched to an unsolved case on CODIS, regulations require that the offender sample be reanalyzed to confirm the match and then a new sample is collected from the suspect and tested anew to reconfirm the match. DNA cases with named suspects tested by accredited private laboratories are routinely brought directly to court without the duplicated public laboratory review requirement. If these private laboratories can be trusted to perform quality analysis for the thousands of DNA cases that have resulted in conviction for over 15 years, then it stands to reason that they could also be trusted with database samples which will be reanalyzed twice after a match is made.

While I understand the concern that potential incorrect results from an offender's sample could lead to a missed opportunity to solve a crime, I also am concerned about the potential for additional crimes to occur while an offender's profile is queued in a laboratory review backlog. It has been brought to my attention that there are other forensic disciplines, such as drug chemistry, in which laboratories use statistically based formulas to achieve a high degree of certainty without requiring a 100 percent review of all samples. I also am aware that the National Institute of Justice already requires that outsourced DNA samples include a requirement for five percent of a given batch to be blind samples.

This duplicated requirement for review of samples tested at private laboratories appears to be an inefficient use of federal funds and, more importantly, delays justice for victims seeking a name for their attacker. Before—and ideally, instead of—my introducing legislation to address what appears to be a non-statutory problem, I would suggest that the Attorney General and the FBI reevaluate the necessity for this regulation. The Justice Department also ought to consider the possibility of permitting accredited private laboratories limited but direct ability to upload data to the national DNA Index System, similar to the permission granted to private laboratories in the United Kingdom's DNA database system.

Finally, I would like to thank those who have made it possible to enact the

DNA Fingerprint Act as part of this year's VAWA reauthorization bill. This includes my colleague, Senator CORNYN, with whom I introduced S. 1606 and who offered the Kyl amendment on my behalf at the Judiciary Committee's executive meeting; Chip Roy and Reed O'Connor of Senator CORNYN's staff; and Lisa Owings and Brett Tolman of Chairman SPECTER's staff. It is my understanding that absent some aggressive staffing by Mr. Tolman at various stages of the legislative process, the effort to have the DNA Fingerprint Act enacted into law as part of VAWA this year would not have succeeded. His contribution is duly noted and appreciated.

I ask unanimous consent that the following letters be printed in the RECORD.

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

RAPE, ABUSE & INCEST NATIONAL  
NETWORK,  
Washington, DC, August 24, 2005.

Senator JON KYL,  
Hart Senate Building,  
Washington, DC.

DEAR SENATOR KYL: Thank you for introducing the DNA Fingerprint Act of 2005 and for your continuing leadership in the crucial effort to expand the use of DNA to fight crime. RAINN is pleased to offer its support for this important legislation.

The Rape, Abuse & Incest National Network (RAINN) is the nation's largest anti-sexual assault organization. RAINN created and operates the National Sexual Assault Hotline and also publicizes the hotline's free, confidential services; educates the public about sexual assault; and leads national efforts to improve services to victims and ensure that rapists are brought to justice.

The Debbie Smith Act provisions of the Justice for All Act, which Congress passed last year due, in large measure, to your leadership, made great progress in expanding the nation's use of DNA evidence to identify criminals. As the DNA evidence from 542,000 backlogged crimes is analyzed, and as states collect more DNA samples from convicted offenders, the FBI's Combined DNA Index System (CODIS) databases continue to grow. With each record added, the potential to identify the perpetrators of future crimes expands as well.

The DNA Fingerprint Act of 2005, as introduced by Senator CORNYN and yourself, will make it easier to include and retain the DNA profiles of criminal arrestees in the National DNA Index System (NDIS). The DNA Fingerprint Act will eliminate the current restrictions that prevent an arrestee's profile from being included in NDIS as soon as he is charged in a pleading. The legislation encourages law enforcement to take DNA from those arrested for violent crimes, and allows these profiles to be uploaded to NDIS.

By improving the value of NDIS, which can be compared to crime-scene evidence across the country, law enforcement will be able to identify—and apprehend, convict and incarcerate countless serial rapists and murderers before they commit additional crimes.

Your legislation makes other valuable changes to current law, by expanding the use of CODIS grants to build arrestee databases; giving the Attorney General the authority to develop regulations for collecting DNA profiles from federal arrestees and detainees; and tolling the statute of limitations for Federal sex offenses when DNA evidence is

available, which will allow prosecution to proceed once a match is made to a perpetrator.

The bill is mindful of the fact that police, like everyone, occasionally make mistakes. For those times when an innocent person is mistakenly charged, the bill appropriately provides the exonerated person a means of expunging his DNA profile from the database.

RAINN believes that the DNA Fingerprint Act of 2005 makes important changes to current law, and will significantly enhance law enforcement's ability to identify and capture serial violent criminals. By making it easier to catch criminals, while still protecting the rights of the innocent, the DNA Fingerprint Act will make our nation safer. We will urge all members of Congress to support this legislation.

Once again, thank you for your important, and effective, work fighting violent crime. I would also like to offer a note of praise for your counsel, Joe Matal, whose work on DNA policy has been invaluable.

Best regards,

SCOTT BERKOWITZ,  
President and Founder.

H-E-A-R-T, INC.,  
Williamsburg, VA, September 19, 2005.

Senator JON KYL,  
Hart Senate Building,  
Washington, DC.

DEAR SENATOR KYL: My husband, Rob and I have truly come to appreciate the work you do on a continuing basis to help victims of crime. Most recently, your introduction of the DNA Fingerprint Act of 2005 is a wonderful addition to these efforts. Our organization, H-E-A-R-T, Inc., stands fully behind this important piece of legislation.

Your leadership was a major factor in the passage of the Justice for All Act of 2004, which with the provisions of the Debbie Smith Act portion of the bill, provided a boost to our nation's use of DNA evidence to fight crime.

Your legislation will help to expand the use of CODIS grants, which will help to build the arrestee database. It will improve NDIS which enables law enforcement across this great country to be more efficient in apprehending and convicting the "right" person. It will also limit the incidents of wrongful arrest, while enabling those who are exonerated to have their samples expunged from the database.

As a victim of rape, I salute both you and Senator CORNYN for introducing this legislation. There will also be countless other victims who will one day thank you both if you succeed in passing this very important bill.

H-E-A-R-T, Inc. will stand behind you and this bill and will encourage others in Congress to join in this fight against crime. Rob and I want to once again thank you personally for your efforts in putting away violent offenders.

With the highest of regards,

DEBBIE SMITH.

OCTOBER 11, 2005.

Re Request To Support the Federal DNA Fingerprint Act

The Hon. JAMES SENSENBRENNER, Jr.,  
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR SENATOR SENSENBRENNER: The California District Attorneys Association (CDAA) strongly supports the VAWA reauthorization bill. CDAA represents 58 elected district attorneys, eight elected city attorneys, and almost 3,000 deputy prosecutors throughout California. The VAWA reauthorization bill contains several provisions that are of critical need to prosecutors and the

rest of law enforcement. In particular, the measure contains the "DNA Fingerprint Act" which would greatly enhance investigators' ability to identify suspects of violent crimes and prosecutors' ability to hold them fully accountable. Therefore, CDAA respectfully urges you to include this important public safety amendment in your final conference report.

DNA technology is one of the most powerful criminal justice tools available. This technology is able to positively identify criminal offenders, including murderers and rapists, who may be mere suspects in criminal investigations or who have not yet been linked to a crime due to lack of other evidence. DNA technology should be used to its fullest capability so that prosecutors are able to hold offenders accountable for their crimes and prevent innocent people from becoming victimized.

The Federal DNA Act will allow states to take advantage of such advances. It will expand the federal DNA database to include information collected from arrestees and convicted felons. The federal database will include both samples collected by federal investigators as well as samples that are uploaded by states like California into the National DNA index a suspect is arrested or convicted. The Act will significantly expand the DNA information that is available to states and to the federal government for the prosecution of state and federal crimes.

The Federal DNA Act is particularly important to California prosecutors. November 2005 marks the first year anniversary of a CDAA drafted and sponsored DNA initiative, Proposition 69, that passed by overwhelming support of voters and changed the landscape of the criminal justice system in California. This measure requires law enforcement officials to collect DNA samples from all convicted felons, from misdemeanor sex offenders, from all murder and violent sex offender arrestees and, beginning in 2009, from all felon arrestees. So far, this has increased the California database to nearly 500,000 DNA profiles. This means that more profiles are available to be compared to crime scene evidence, and since a great majority of convicted felons are repeat offenders, particularly sex offenders, this will enable more cases to be solved.

California now collects DNA samples from arrestee murder and rape suspects, and in 2009, will collect samples from all felon arrestees. The Federal DNA Act will give other states and the federal government access to the California's arrestee database. Furthermore, it will give California access to DNA profiles analyzed by other states with arrestee databases and to the profiles of arrestees analyzed by the federal government. Without the arrestee provision in the Federal DNA Act, arrestee DNA profiles can only be used by the state which collects them, so that the ability to maximize the benefits of this extraordinary national crime fighting technology will be completely wasted. This is a dangerous proposition considering many of the most violent sex offenders travel from state to state to commit crimes and avoid prosecution. The technology exists to identify and track these criminals and it would be a shame to not utilize it.

In drafting Proposition 69, CDAA included an expungement provision, giving criminal suspects the ability to make a showing to the courts to get their samples removed from the database. Furthermore, CDAA is in the process of creating an easy-to-use form for suspects to fill out and file with the courts to assist those who claim their samples do not belong in the database. This burden appropriately belongs on criminal suspects, who are the only ones aware of the entire breadth of their own criminal history.

If Proposition 69 included an expungement process that was automatic rather than triggered by a petition filed by a suspect, it would be a bureaucratic nightmare to enforce. Law enforcement officials would have to thoroughly investigate each and every aspect of a suspect's criminal history, which would include the burden to discover whether the suspect had ever committed any qualifying crime in any other state. This would increase the workload tremendously for law enforcement officials who are already struggling to do their jobs with limited resources. On the other hand, a suspect should be aware of his or her complete criminal background without this same burden and should be willing to bring this information forward with any claim that they should be excluded from the database.

If this burden were placed on the prosecution instead, these same dilemmas would exist. Furthermore, without any real justification the prosecution could be accused of delaying the expungement process in order to have the testing completed. If a "hit" were to occur during a legislatively mandated expungement process, it would likely cause recusal of the prosecution's office or possible suppression of DNA evidence—which would defeat the usefulness of DNA as a crime fighting tool. Placing the burden on the courts, presents the same sort of challenges. In fact, courts are not even aware of arrestee samples until a criminal case has been filed.

The Federal DNA Act was drafted with an expungement procedure similar to California's. The Act does not require states to expunge profiles unless suspects are able to make a showing that all charges against them were dismissed or resulted in an acquittal, or that no charges were filed within the applicable time period.

Lastly, the Federal DNA Act provides states with DNA backlog elimination grants so that states can clear backlogs of DNA samples that await analysis. These resources will help solve crimes that were committed even decades ago by matching DNA evidence left behind at crime scenes, like saliva from cigarette butts or strands of hair, to the database. Cold cases will be closed and those who have escaped justice will finally be prosecuted. Ultimately, this provision will identify and remove dangerous offenders from the streets and make our neighborhoods safer.

Thank you for your leadership in public safety. Please feel free to contact me anytime regarding this or any other criminal justice matter.

Very truly yours,

DAVID LABAHN,  
*Executive Director, California  
District Attorneys Association.*

Mr. BIDEN. Mr. President, I rise today to express my appreciation to my colleagues for passing for the second time this session, the Violence Against Women Act of 2005. Once again the Senate has spoken loudly and clearly that domestic violence and sexual assault are serious, public crimes that must be addressed. Today's bill is a tremendous compromise measure that merges the comprehensive, Senate-passed Violence Against Women Act, S. 119, with the House of Representative's Department of Justice Appropriations Authorization Act bill, H.R. 3402. This merger followed hours of bipartisan, bicameral negotiations. Compromises and edits were made, and what emerges is a balanced bill that strikes the right balance between reju-

venating core programs, making targeted improvements, and responsibly expanding the Violence Against Women Act to reach the needs of America's families.

The enactment of the Violence Against Women Act in 1994 was the beginning of a historic commitment to women and children victimized by domestic violence and sexual assault. While not the single cause, this commitment has made our streets and homes safer. Since the Act's passage in 1994, domestic violence has dropped by almost 50 percent incidents of rape are down by 60 percent and the number of women killed by an abusive husband or boyfriend is down by 22 percent. Today, more than half of all rape victims are stepping forward to report the crime. And since we passed the Act in 1994, over a million women have found justice in our courtrooms and obtained domestic violence protection orders.

This is a dramatic change from a decade ago. Back then, violence in the household was treated as a "family matter" rather than a criminal justice issue. Because we took action, the criminal justice system is much better equipped to handle domestic violence, and it is treated for what it is—criminal. The goal of the legislation passed here today is to usher the Violence Against Women Act into the 21st century. With this bill we attempt to look beyond the immediate crisis and take steps to not only punish offenders, but to also help victims get their lives back on track, and prevent domestic violence and sexual assault from occurring in the first place.

The bill contains much to commend. To that end, I will ask unanimous consent to include at the close of my statement a thorough section-by-section summary of H.R. 3402, but in the meantime, I would like to highlight some of the bill's provisions.

Title I, the bill's backbone, focuses on the criminal justice system and includes provisions to: (1) renew and increase funding to over \$400 million a year for existing, fundamental grant programs for law enforcement, lawyers, judges and advocates; (2) stiffen existing criminal penalties for repeat federal domestic violence offenders; and (3) appropriately update the criminal law on stalking to incorporate new surveillance technology like Global Positioning System, GPS.

Notably, our bill reauthorizes the Court Appointed Special Advocates, "CASA," a nationwide volunteer program to help children in the judicial system. Children are doubly impacted by family violence—both as observers of, and recipients of abuse. Court Appointed Special Advocates fit uniquely into the mix of services for victims of violence. Judges overwhelmingly report that children and families are better served by the involvement of a CASA volunteer on their cases. I hope that my colleagues see fit to fully appropriate this effective program, and in the future, raise the program's authorization level.

The Violence Against Women Act has always included measures to help law enforcement and victim service providers reach underserved communities. Today's bill goes even further by creating a new, targeted culturally and linguistically specific service grant program. This provision is intended to ensure that the Act's resources reach racial and ethnic communities grappling with family violence and its enormous ramifications.

The Violence Against Women Act crafts a coordinated community response that seeks the participation of police, judges, prosecutors, and the host of entities who care for the victims. Title II helps victim service providers by: (1) creating a new, dedicated grant program for sexual assault victims that will strengthen rape crisis centers across the country; (2) reinvigorating programs to help older and disabled victims of domestic violence; (3) strengthening and expanding existing programs for rural victims and victims in underserved areas; and (4) removing a current cap on funding for the National Domestic Violence Hotline.

Sexual violence is a crime that affects children and adults across our country. Unfortunately, rape has been a crime shrouded in secrecy and shame. Sexual assault survivors can experience physical and emotional problems for years. Approximately 1,315 rape crisis centers across the country help victims of rape, sexual assault, sexual abuse, and incest rebuild their lives by providing a range of vital services to survivors. But unfortunately, many rape crisis centers are under funded and understaffed. They are constantly in a crisis mode, responding to the needs of all victims—male, female as well as children—and are incapable of undertaking large-scale prevention efforts in their communities.

In response to this overwhelming need, our bill will provide increased resources to serve sexual assault victims. It includes, for the first time, a dedicated Federal funding stream for sexual assault programs through the proposed Sexual Assault Services Program, SASA. SASA will fund direct services to victims, including general intervention and advocacy, accompaniment through the medical and criminal justice processes, support services, and related assistance.

Reports indicate that up to ten million children experience domestic violence in their homes each year. The age at which a female is at greatest risk for rape or sexual assault is 14. Two-thirds of all sexual assault victims reported to law enforcement are under 18, and national research suggests that 1 in 5 high-school girls is physically or sexually abused by a dating partner. Treating children who witness domestic violence, dealing effectively with violent teenage relationships and teaching prevention strategies to children are keys to ending the cycle of violence. This reauthorization takes bold steps to address the needs of young

people by renewing successful programs and creating new programs to: (1) promote collaboration between domestic violence experts and child welfare agencies; and (2) enhance to \$15 million a year grants to reduce violence against women on college campuses.

Critical prevention initiatives are contained in title IV, including programs supporting home visitations for families at risk, and initiatives that specifically engage men and boys in efforts to end domestic and sexual violence. We can no longer be satisfied with punishing abusers after the fact and trying to help a woman pull her life back together—we must end the violence before it ever starts. We must end it, not just mend it.

Violence against women is a health care issue of enormous proportions with one in three women expected to experience such violence at some point in their lives. It also has enormous health consequences for women and children, leading to serious injuries and disease, including substance abuse, chronic, serious pain and sexually transmitted infections including HIV/AIDS. We know pregnant women are particularly at risk for violence with increased levels of abuse accounting for injuries to the mother and developing fetus. In fact, homicide is a leading cause of death for pregnant and recently pregnant women.

Consequently, doctors and nurses, like police officers on the beat, are often the first witnesses of the devastating aftermath of abuse. Unfortunately, most health care providers are not currently trained on how to screen for, identify, document and treat or refer for violence-related illnesses or injuries. That's why the new health care programs in the Act are so essential—they provide an opportunity to intervene much earlier in the cycle of violence, before it becomes life threatening, and they provide a chance to reach out to children who may be growing up in violent homes.

In some instances, women face the untenable choice of returning to their abuser or becoming homeless. Indeed, 44 percent of the nation's mayors identified domestic violence as a primary cause of homelessness. Efforts to ease the housing problems for battered women are contained in Title VI, including (1) \$20 million grant programs to facilitate collaboration between domestic violence organizations and housing providers; (2) programs to combat family violence in public and assisted housing, including new requirements that domestic violence victims may not be evicted or cut off from voucher services because of the violence; and (3) enhancements to transitional housing resources.

In some instances, victims of domestic violence who apply for or reside in public and subsidized housing are evicted or turned away because of the violence against them. A scream for help, a shot being fired, or the sound of police sirens is cited as a "disruptive sound" justifying eviction. In a recent

nationwide survey, local housing and domestic violence attorneys across the country reported over 500 documented cases where victims were evicted because of the domestic violence committed against them.

Sections 606 and 607 of the Act provide important protections in public housing and the Section 8 program for victims of domestic violence and stalking. These sections prohibit denial of housing assistance based on the individual's status as a victim of domestic violence, dating violence, or stalking. With certain exceptions, they also prohibit terminating a victim's tenancy or rental assistance because of the violence against him or her. When women know they may lose their homes if their housing provider learns about the violence, they will seek to keep the abuse secret at all costs and thus, will often be unable to take the steps necessary to keep themselves and their families safe.

While protecting victims against retaliation, Sections 606 and 607 permit public housing authorities and private landlords to evict or end voucher assistance to perpetrators of domestic violence. It also ensures that landlords and housing providers can effectively manage their properties and maintain important discretionary authority. The Act allows landlords to bifurcate a lease to remove a perpetrator while maintaining a victim's tenancy and evict victims who commit other lease violations or if the tenancy creates an actual and imminent threat to the public safety. Further, the Act clarifies that landlords should not be held liable simply for complying with the statute. Sections 606 and 607 benefited greatly from the input by the national associations representing landlords and U.S. Department of Housing and Urban Development, including the National Association of Realtors, the National Multi-Housing Council, and the National Leased Housing Association.

It may be useful if the U.S. Department of Housing and Urban Development issues guidance or regulations to assist with the implementation of these sections. Certain nonprofit organizations and other government agencies that have expertise in domestic violence, dating violence, sexual assault or stalking, or in housing law and policy, could provide valuable guidance to HUD in creating such guidance and regulations.

Title VII helps abused women maintain economic security by establishing a national resource center to provide information to employers and labor organizations so that they may effectively help their employees who are victims of domestic violence. I had hoped that provisions from Senator MURRAY's Security and Financial Empowerment Act, SAFE, would have remained in the bill. This amendment would provide some fundamental economic protections for victims of domestic violence and sexual assault. Just as the Family Medical Leave Act protects individuals caring for a sick loved one, the SAFE Act would allow

domestic violence victims to take time off from work to appear in court cases and other judicial proceedings without jeopardizing their employment at a time they need it the most. It is my hope that the Senate will revisit this issue soon.

Immigrant women often face a difficult time escaping abuse because of immigration laws, language barriers, and social isolation. Title VIII of today's bill builds on the progress of VAWA 1994 and VAWA 2000 to remove obstacles hinder or prevent immigrants from fleeing domestic abuse and participating in prosecutions. Further, the bill expands VAWA relief to: (1) elder abuse victims who have been abused by adult U.S. citizen sons or daughters; and (2) victims of child abuse or incest who are less than 25 and would have qualified as child self-petitioners. It will allow adopted children who have been abused by an adoptive parent to obtain permanent residency without having to reside with the abusive parent for 2 years. In an important move to help battered immigrant women achieve desperately-needed economic stability, the bill permits employment authorization to battered women and abused spouses of certain non-immigrants.

Title VIII enhances immigration protection for victims of trafficking by removing barriers that block some victims from accessing to T and U visas. Title VIII also facilitates the reunion of trafficking victims with their family members abroad who are in danger of retaliation from international traffickers, and will increase access to permanent residency for victims of severe forms of trafficking who are cooperating in trafficking prosecutions. Finally, title VIII will arm foreign fiancées with background information about their U.S. citizen fiancé, and will educate foreign fiancées about U.S. domestic violence laws and resources.

In an effort to focus more closely on violence against Indian women, title IX creates a new tribal Deputy Director in the Office on Violence Against Women dedicated to coordinating Federal policy and tribal grants. It also authorizes the Office to pool funds available to tribes and tribal organizations in various VAWA programs. In addition, Title IX authorizes tribal governments to access and upload domestic violence and protection order data on criminal databases, as well as create tribal sex offender registries, and strengthens available criminal penalties.

No doubt, today's bill is comprehensive; it speaks to the many complexities presented by domestic violence and sexual assault. I am indebted to a whole host of groups who worked on this measure and/or voiced their support throughout the journey from introduction to passage, including the American Bar Association, the National Association of Attorneys General, the International Association of Forensic Nurses, the American Medical Association, the National Sheriffs Association, the National Coalition

Against Domestic Violence, the National Congress of American Indians, the National Network to End Domestic Violence, the Family Violence Prevention Fund, Legal Momentum, the National Alliance to End Sexual Violence, the National Center for Victims for Crime, the National District Attorneys Association, the National Council on Family and Juvenile Court Judges, the National Association of Chiefs of Police, and many others. I am grateful for the work each of you does each day to make our families safer and healthier.

The legislation being passed today also demonstrates Congress's commitment to the Office of Community Oriented Policing Services, COPS. This program has been widely credited for helping to reduce crime rates over the past 10 years. It was deemed a "miraculous success" by Attorney General Ashcroft, and law enforcement experts from top to bottom, including Attorney General Gonzalez, police chiefs, and sheriffs, have all testified to its effectiveness at combating crime. While many politicians have argued this point, the Government Accountability Office conclusively established a statistical link between COPS hiring grants and crime reductions. We know that the COPS program works, and the legislation we are passing today recognizes this fact by re-authorizing the COPS program for the next 5 years at \$1.05 billion per year.

In addition, this legislation also updates the COPS program grant making authority by providing more flexibility for local agencies in applying for assistance. It still includes many of the hallmarks that attributed to its success, such as reducing redtape by allowing local agencies to apply directly to the Federal Government for assistance, and providing grants on a three-year basis to facilitate long-term planning. The major improvement is that agencies will now be able to submit one application for its various funding needs, including hiring officers, purchase equipment, pay officers' overtime, and other programs that will increase the number of officers deployed in community oriented policing services. Originally, agencies had to make separate grant applications for the various purpose areas of the program. In addition, it allows the COPS program to award grants for officers hired to perform intelligence, anti-terror, or homeland security duties. Providing local agencies with this type of flexibility is a step forward.

While re-authorizing the COPS program is important, the next step is for the appropriators to fund the program at authorized levels. Back in the nineties, we invested roughly \$2.1 billion for state and local law enforcement each year. We are safer today because of these investments. Over the past 5 years, we have adopted a wrong-headed approach of cutting funding for our state and local law enforcement partners. And, the recently passed Commerce, Justice, Science budget allo-

cated less than \$800 million for state and local law enforcement assistance, and it zeroed out the COPS hiring program. I agree with the International Association of Chiefs of Police and the National Sheriffs Association that these cuts leave us more vulnerable to crime and terrorism. In this bill, the Congress demonstrated its support for the COPS program, but the real test will come when we make funding decisions in the future. For the safety and security of the American people, I will be fighting for the Congress to fully fund the COPS program at the newly authorized levels of \$1.05 billion per year.

I have many partners here in the Senate and in the House of Representatives who have worked tirelessly on this bill. Chairman SENSENBRENNER and Ranking Member CONYERS were committed to reauthorizing the Violence Against Women Act, and spent countless hours working on a resolution. Our negotiations were model ones—I wish bicameral relations were always so easy.

Senator REED and Senator ALLARD were very helpful on the act's housing provisions, and Senator ENZI helped craft some of the victim service providers. I appreciate their assistance and help to move this bill forward. With respect to the Native American provisions, Senator MCCAIN and Senator DORGAN provided instrumental guidance.

Since 1990, Senator HATCH and I have worked together to end family violence in this country, so it is no great surprise that once again he worked side-by-side with us to craft today's bill. I am also deeply indebted to Senator KENNEDY for his unwavering commitment to battered immigrant women and his work on the bill's immigration provisions. Senator KENNEDY's staff, particularly Janice Kaguyutan, have been invaluable to this process. I also thank Senator LEAHY who has long supported the Violence Against Women Act and, in particular, has worked on the rural programs and transitional housing provisions. As Ranking Member of the Judiciary Committee, Senator LEAHY has consistently pushed forward reauthorization of the Violence Against Women Act, and his staff, chief counsel Bruce Cohen, Tara Magner, and Jessica Berry have worked hard for passage. My final appreciation is for my very good friend from Pennsylvania for his commitment and leadership on this bill. It is a pleasure to work with Chairman SPECTER, and his staff Brett Tolman, Lisa Owings, Joe Jacquot, Juria Jones and chief counsel Mike O'Neill. From day one, Chairman SPECTER has been one of this bill's biggest champion. Chairman SPECTER is the reason a bipartisan, bicameral compromise measure is being passed today and I thank him.

Mr. President, I ask unanimous consent that the section-by-section analysis be printed in the RECORD.

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

SECTION-BY-SECTION SUMMARY OF THE  
VIOLENCE AGAINST WOMEN ACT OF 2005

Sec. 1. Short Title.

Sec. 2. Table of Contents.

Sec. 3. Universal Definitions and Grant Conditions. This section aggregates existing and new definitions of terms applicable to the Act. (Previously, relevant definitions were scattered in various Code provisions.) The section also sets forth universal conditions that apply to the Act's new and existing grant program.

TITLE I ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

Sec. 101. STOP (Services and Training for Officers and Prosecutors) Grants Improvements. This section reauthorizes the cornerstone of the Act, the STOP program, at \$225,000,000 annually for 2007 through 2011 (it is currently authorized at \$185 million annually). This program provides state formula grants that bring police and prosecutors in close collaboration with victim services providers. Technical amendments increase the focus on appropriate services for underserved communities and ensure victim confidentiality.

Sec. 102. Grants to Encourage Arrest and Enforcement of Protection Order Improvements. This fundamental Department of Justice program is reauthorized at \$75,000,000 annually for 2007 through 2011 (it is currently authorized at \$65 million annually). States and localities use this funding to develop and strengthen programs and policies that encourage police officers to arrest abusers who commit acts of violence or violate protection orders. Amendments will provide technical assistance to improve tracking of cases in a manner that preserves confidentiality and privacy protections for victims. Purposes are amended to encourage victim service programs to collaborate with law enforcement to assist pro-arrest and protection order enforcement policies. In addition, this section authorizes family justice centers and extends pro-arrest policies to sexual assault cases.

Sec. 103. Legal Assistance for Victims Improvement. This section reauthorizes the grant program for legal services for protection orders and related family, criminal, immigration, administrative agency, and housing matters. It allows victims of domestic violence, dating violence, stalking, and sexual assault to obtain access to trained attorneys and lay advocacy services, particularly pro bono legal services, when they require legal assistance as a consequence of violence. This program has been expanded to provide services to both adult and youth victims. Previously authorized at \$40,000,000 annually, funding is set at \$65,000,000 annually for 2007 through 2011, to be administered by the Attorney General. This provision also includes an amendment to ensure that all legal services organizations can assist any victim of domestic violence, sexual assault and trafficking without regard to the victim's immigration status. The organizations can use any source of funding they receive to provide legal assistance that is directly related to overcoming the victimization, and preventing or obtaining relief for the crime perpetrated against them that is often critical to promoting victim safety.

Sec. 104. Ensuring Crime Victim Access to Legal Services. This section eases access to legal services for immigrant victims of violent crimes.

Sec. 105. The Violence Against Women Act Court Training and Improvements. This section creates a new program to educate the

courts and court-related personnel in the areas of domestic violence, dating violence, sexual abuse and stalking. The goal of this education will be to improve internal civil and criminal court functions, responses, practices and procedures, including the development of dedicated domestic violence dockets. This section will also authorize one or more grants to create general educational curricula for state and tribal judiciaries to ensure that all states have access to consistent and appropriate information. This section is authorized at \$5,000,000 for each fiscal year 2007 through 2011 and it is administered by the Department of Justice.

Sec. 106. Full Faith and Credit Improvements. Technical amendments are made to the criminal code to clarify that courts should enforce the protection orders issued by civil and criminal courts in other jurisdictions. Orders to be enforced include those issued to both adult and youth victims, including the custody and child support provisions of protection orders. Amendment also requires protection order registries to safeguard the confidentiality and privacy of victims.

Sec. 107. Privacy Protections For Victims of Domestic Violence, Sexual Violence, Stalking, and Dating Violence. This section creates new and badly-needed protections for victim information collected by federal agencies and included in national databases by prohibiting grantees from disclosing such information. It creates grant programs and specialized funding for federal programs to develop "best practices" for ensuring victim confidentiality and safety when law enforcement information (such as protection order issuance) is included in federal and state databases. It also provides technical assistance to aid states and other entities in reviewing their laws to ensure that privacy protections and technology issues are covered, such as electronic stalking, and training for law enforcement on high tech electronic crimes against women. It authorizes \$5,000,000 per year for 2007 through 2011 to be administered by the Department of Justice.

Sec. 108. Sex Offender Training. Under this section, the Attorney General will consult with victim advocates and experts in the area of sex offender training. The Attorney General will develop criteria and training programs to assist probation officers, parole officers, and others who work with released sex offenders. This section reauthorizes the program at \$3,000,000 annually for 2007 through 2011.

Sec. 109. National Stalker Database and Domestic Violence Reduction. Under this section, the Attorney General may issue grants to states and units of local governments to improve data entry into local, state, and national crime information databases for cases of stalking and domestic violence. This section reauthorizes the program at \$3,000,000 annually for 2007 through 2011.

Sec. 110. Federal Victim Assistants. This section authorizes funding for U.S. Attorney offices to hire counselors to assist victims and witnesses in prosecution of domestic violence and sexual assault cases. This section is reauthorized for \$1,000,000 annually for 2007 through 2011.

Sec. 111. Grants for Law Enforcement Training Programs. This section would authorize a Department of Justice grant program to help train State and local law enforcement to identify and protect trafficking victims, to investigate and prosecute trafficking cases and to develop State and local laws to prohibit acts of trafficking. It proposes \$10,000,000 in grants annually from 2006 to 2010.

Sec. 112. Reauthorization of the Court-Appointed Special Advocate Program. This section reauthorizes the widely-used Court-Appointed Special Advocate Program (CASA).

CASA is a nationwide volunteer program that helps represent children who are in the family and/or juvenile justice system due to neglect or abuse. This provision also allows the program to request the FBI conduct background checks of prospective volunteers. This program is reauthorized at \$12,000,000 annually for 2007 through 2011.

Sec. 113. Preventing Cyberstalking. To strengthen stalking prosecution tools, this section amends the Communications Act of 1934 (47 U.S.C. 223(h)(1)) to expand the definition of a telecommunications device to include any device or software that uses the Internet and possible Internet technologies such as voice over internet services. This amendment will allow federal prosecutors more discretion in charging stalking cases that occur entirely over the internet.

Sec. 114. Updating the Federal Stalking Law. Section 114 improves the existing federal stalking law by borrowing state stalking law language to (1) criminalize stalking surveillance (this would include surveillance by new technology devices such as Global Positioning Systems (GPS)); and (2) to expand the accountable harm to include substantial emotional harm to the victim. The provision also enhances minimum penalties if the stalking occurred in violation of an existing protection order.

Sec. 115. Repeat Offender Provision. This section updates the criminal code to permit doubling the applicable penalty for repeat federal domestic violence offender—a sentencing consequence already permissible for repeat federal sexual assault offenders.

Sec. 116. Prohibiting Dating Violence. Utilizing the Act's existing definition of dating violence, section 115 amends the federal interstate domestic violence prohibition to include interstate dating violence.

Sec. 117. Prohibiting Violence in Special Maritime and Territorial Jurisdiction. This section tightens the interstate domestic violence criminal provision to include special maritime and territories within the scope of federal jurisdiction.

Sec. 118. Updating Protection Order Definition in 28 U.S.C. §534(e)(3)(B).

Sec. 119. Grants for Outreach to Underserved Populations. This grant program authorizes \$2 million annually for local, national, and regional information campaigns on services and law enforcement resources available to victims of domestic violence, dating violence, sexual assault and stalking.

#### TITLE II. IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

##### Sec. 201. Findings

Sec. 202. Sexual Assault Services Provision. This section creates a separate and direct funding stream dedicated to sexual assault services. Currently, the Act funds rape prevention programs, but does not provide sufficient resources for direct services dedicated solely to sexual assault victims, primarily rape crisis centers. Under this new program funding will be distributed by the Department of Justice to states and their sexual violence coalitions. The formula grant funds will assist States and Tribes in their efforts to provide services to adult, youth and child sexual assault victims and their family and household members, including intervention, advocacy, accompaniment in medical, criminal justice, and social support systems, support services, and related assistance. Funding is also provided for training and technical assistance. This section authorizes \$50,000,000 annually for 2006-2010.

Sec. 203. Amendments to the Rural Domestic Violence and Child Abuse Enforcement Assistance Program. This section reauthor-

izes and expands the existing education, training and services grant programs that address violence against women in rural areas. This provision renews the rural VAWA program, extends direct grants to state and local governments for services in rural areas and expands purpose areas to include community collaboration projects in rural areas and the creation or expansion of additional victim services. New language expands the program coverage to sexual assault, child sexual assault and stalking. It also expands eligibility from rural states to rural communities, increasing access to rural sections of otherwise highly populated states. This section authorizes \$55,000,000 annually for 2007 through 2011 (it is currently authorized at \$40 million a year).

Sec. 204. Education, Training and Enhanced Services to End Violence Against Women with Disabilities. This section reauthorizes and expands the existing education, training and services grant programs that address violence against women with disabilities. New purpose areas include construction and personnel costs for shelters to better serve victims with disabilities, the development of collaborative partnerships between victim service organizations and organizations serving individuals with disabilities and the development of model programs that situate advocacy and intervention services for victims within organizations serving individuals with disabilities. The program is authorized at \$10,000,000 for each fiscal year 2007 through 2011.

Sec. 205. Education, Training and Services to End Violence Against and Abuse of Women Later in Life. This section reauthorizes and expands the existing education, training and services grant programs that address violence against elderly women. Grants will be distributed by the Department of Justice to States, local government, nonprofit and nongovernmental organizations for providing training and services for domestic violence, dating violence, sexual assault and stalking victims age 60 and older. The program is authorized at \$10,000,000 annually for 2007 through 2011.

Sec. 206. Strengthening the National Domestic Violence Hotline. Section 206 eliminates a current funding requirement that any funds appropriated to the Hotline in excess of \$3,000,000 be devoted entirely to a non-existent Internet program.

#### TITLE III. SERVICES, PROTECTION AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

##### Sec. 301. Findings

Sec. 302. Rape Prevention and Education. This section reauthorizes the Rape Prevention and Education Program. It appropriates \$80,000,000 annually (its current authorization level) for 2007 through 2011. Of the total funds made available under this subsection in each fiscal year, a minimum of \$1,500,000 will be allotted to the National Sexual Violence Resource Center.

Sec. 303. Services, Education, Protection and Justice for Young Victims of Violence. This section establishes a new subtitle that would create four new grant programs designed to address dating violence committed by and against youth.

(1) The Services to Advocate for and Respond to Teens program authorizes grants to nonprofit, nongovernmental and community based organizations that provide services to teens and young adult victims of domestic violence, dating violence, sexual assault or stalking. This section is authorized for \$15,000,000 annually for 2007 through 2011 and will be administered by the Department of Health and Human Services.

(2) The Access to Justice for Teens program is a demonstration grant program to promote collaboration between courts (including tribal courts), domestic violence and

sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies. The purposes of the collaborative projects are to identify and respond to domestic violence, dating violence, sexual assault and stalking committed by or against teens; to recognize the need to hold the perpetrators accountable; to establish and implement procedures to protect teens; and to increase cooperation among community organizations. This section is authorized at \$5,000,000 annually for 2007 through 2011 to be administered by Department of Justice.

(3) The third program established under Sec. 303 is the Grants for Training and Collaboration on the Intersection between Domestic Violence and Child Maltreatment program. It provides grants to child welfare agencies, courts, domestic or dating violence service providers, law enforcement and other related community organizations. Grant recipients are to develop collaborative responses, services and cross-training to enhance responses to families where there is both child abuse and neglect and domestic violence or dating violence. This section authorized at \$5,000,000 annually 2007 through 2011 to be administered by the Department of Justice.

(4) The final program established under 303 is the Supporting Teens through Education and Protection program to be administered by the Department of Justice to eligible middle and high school schools that work with domestic violence and sexual assault experts to train and counsel school faculty and students.

Sec. 304. Reauthorization of Grants to Reduce Violence Against Women on Campus. This amends the existing campus program to be administered by the Department of Justice on a three-year grant cycle, provides more money and sets parameters for training of campus law enforcement and campus judicial boards. This section is authorized at \$12,000,000 for 2007 and \$15,000,000 for 2008 through 2011 (it is currently authorized at \$10 million).

Sec. 305. Juvenile Justice. The overwhelming majority of girls entering the juvenile justice system are victims of abuse and violence, and the system must provide adequate services that are tailored to girls' gender-specific needs and to their experiences of abuse. These provisions amend the Juvenile Justice and Delinquency Prevention Act to permit grantees to detail gender-specific services.

Sec. 306. Safe Havens for Children. This section continues and expands a pilot Justice Department grant program aimed at reducing domestic violence and child abuse during parental visitation or the transfer of children for visitation by expanding the availability of supervised visitation centers. It reauthorizes the program for \$20,000,000 annually for 2007 through 2011.

#### TITLE IV. STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

Sec. 401. Findings, Purpose and Authorization for three new, child-focused programs. This section creates: (1) Grants to Assist Children and Youth Exposed to Violence that authorizes new, collaborative programs, administered by the Office on Violence Against Women in the Department of Justice in collaboration with the Administration for Children, Youth and Families in the Department of Health and Human Services, to provide services for children who have been exposed to domestic violence, dating violence, sexual assault or stalking for the purpose of mitigating the effects of such violence. Programs authorized under this section include both direct services for children and their non-abusing parent or caretaker, and training/co-

ordination for programs that serve children and youth (such as Head Start, child care, and after-school programs). It is authorized at \$20,000,000 annually from 2007 through 2011.

This section also establishes the Development of Curricula and Pilot Programs for Home Visitation Projects. Home visitation services are offered in many states and on some military bases to provide assistance to new parents or families in crisis. Home visitation services, in addition to providing assistance to the parents, look for signs of child abuse or neglect in the home. This provision, administered by the Office on Violence Against Women in the Department of Justice in collaboration with the Administration for Children, Youth and Families in the Department of Health and Human Services, creates model training curricula and provides home visitation services to help families to develop strong parenting skills and ensure the safety of all family members. The program is authorized at \$7,000 per year for 2006-2010.

The final new program engages men and youth in preventing domestic violence, dating violence, sexual assault and stalking. It authorizes the development, testing and implementation of programs to help youth and children develop respectful, non-violent relationships. The grant is administered by the Office on Violence Against Women at the Department of Justice in collaboration with the Department of Health and Human Services, and eligible entities include community-based youth service organizations and state and local governmental entities. It is authorized at \$10,000,000 annually for 2007 through 2011.

Sec. 402. Study Conducted by the Centers for Disease Control and Prevention. This provision authorizes \$2 million to the Centers for Disease Control to study the best practices for reducing and preventing violence against women and children and an evaluation of programs funded under this Title.

#### TITLE V. STRENGTHENING THE HEALTH CARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

Sec. 501. Findings.

Sec. 502. Purposes.

Sec. 503. Training and Education of Health Professionals. This section provides new grants to train health care providers and students in health professional schools on recognizing and appropriately responding to domestic and sexual violence. The provision authorizes \$3,000,000 each year from 2007 through 2011 to be administered by the Department of Health and Human Services.

Sec. 504. Grants to Foster Public Health Responses to Domestic Violence, Dating Violence, Sexual Assault and Stalking. Section 504 provides grants for statewide and local collaborations between domestic and sexual violence services providers and health care providers including state hospitals and public health departments. These programs would provide training and education to health care providers and would develop policies and procedures that enhance screening of women for exposure to domestic and sexual violence, and encourage proper identification, documentation and referral for services when appropriate. This section is authorized at \$5,000,000 annually from 2007 through 2011.

Sec. 506. Research on Effective Interventions in the Health Care Setting to Address Domestic Violence. Includes funding for the Centers for Disease Control and Prevention and Administration for Healthcare Research and Quality to evaluate effective interventions within the health care setting to im-

prove abused women's health and safety and prevent further victimization. This section is authorized at \$5,000,000 annually from 2007 through 2011.

#### TITLE VI. HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

Sec. 601. Amends the Violence Against Women Act to include a title addressing housing needs of victims of domestic violence, dating violence, sexual assault and stalking.

Sec. 41401. Findings.

Sec. 41402. Purposes.

Sec. 41403. Definitions.

Sec. 41404. Collaborative Grants to Develop Long-Term Housing for Victims. Modeled after successful affordable housing, community development, and "housing first" programs across the nation, this section would provide \$10,000,000 for the Department of Health and Human Services in partnership with the Department of Housing and Urban Development to fund collaborative efforts to: place domestic violence survivors into long-term housing as soon as reasonable and safe; provide services to help individuals or families find long-term housing; provide financial assistance to attain long-term housing (including funds for security deposits, first month's rent, utilities, down payments, short-term rental assistance); provide services to help individuals or families remain housed (including advocacy, transportation, child care, financial assistance, counseling, case management, and other supportive services); and create partnerships to purchase, build, renovate, repair, convert and operate affordable housing units. Funds may not be directly spent on construction, modernization, or renovations.

Sec. 41405. Grants to Combat Violence Against Women in Public and Assisted Housing. This section establishes grants to assist public and Indian housing authorities, landlords, property management companies and other housing providers and agencies in responding appropriately to domestic and sexual violence. Grants would provide education and training, development of policies and practices, enhancement of collaboration with victim organizations, protection of victims residing in public, Indian and assisted housing, and reduction of evictions and denial of housing to victims for crimes and lease violations committed or directly caused by the perpetrators of violence against them. The program is authorized at \$10,000,000 and will be administered by the Office on Violence Against Women in the Department of Justice.

Sec. 602. Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking. Section 602 amends the existing transitional housing program created by the PROTECT Act and administered by the Office on Violence Against Women in the Department of Justice. This section expands the current direct-assistance grants to include funds for operational, capital and renovation costs. Other changes include providing services to victims of dating violence, sexual assault and stalking; extending the length of time for receipt of benefits to match that used by HUD transitional housing programs; and updating the existing program to reflect the concerns of victim service providers. The provision would increase the authorized funding for the grant from \$30,000,000 to \$40,000,000.

Sec. 603. Public and Indian Housing Authority Plans Reporting Requirement.

Sec. 604. Housing Strategies.

Sections 603 and 604 amend the Housing and Urban Development (HUD) Agency reporting requirements imposed on public housing applicants. Pursuant to the amendment, HUD applicants must include any

plans to address domestic violence, dating violence, sexual assault and stalking in their application.

Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act. This provision amends the Homeless Management Information Systems (HMIS) statute in the McKinney-Vento Homelessness Assistance Act to protect the confidentiality of victims of domestic violence, dating violence, sexual assault and stalking receiving assistance from HUD-funded victim service programs. It requires that these programs refrain from disclosing personally identifying information to the HMIS. HUD-funded victim service providers may disclose non-personally identifying information to the HMIS.

Sec. 606. Amendments to the Low Income Housing Assistance Voucher Program.

Sec. 607. Amendments to the Public Housing Program. Sections 606 and 607 amend the Low Income Housing Assistance Voucher program (also known as the Section 8 or Housing Choice Voucher program) and the Public Housing program to state that an individual's status as a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by a public housing authority. It also states that incidents of domestic violence, dating violence and stalking shall not be good cause for terminating a lease held by the victim. The amendments specify that the authority of an owner or PHA to evict or terminate perpetrators of abuse shall not be limited and gives landlords and PHAs the ability to bifurcate a lease to maintain the victim's tenancy while evicting the perpetrator. Victims must certify their status as victims by presenting appropriate documentation to the PHA or owner, and the language clarifies that victims can be evicted for lease violations or if their tenancy poses a threat to the community.

#### TITLE VII. PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

Sec. 701. Resource Center on Domestic and Sexual Violence in the Workplace. This provision authorizes the Attorney General to award a grant to a private non-profit entity or tribal organization for the establishment and operation of a national resource center to provide information and assistance to employers and labor organizations to aid victims of domestic violence, dating violence, sexual assault, and stalking. A million dollars would be appropriated annually for fiscal years 2007 through 2011 to support these activities.

#### TITLE VIII. PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANT WOMEN

Sec. 801. Treatment of Spouse and Children of Victims. For some trafficking victims, providing assistance in the investigation or prosecution of the trafficking case can endanger or traumatize the victim or her family members. The ability to ensure safety of family members living abroad is crucial to trafficking victims' or crime victims' well being and ability to effectively assist in prosecutions. This section allows T and U visa holders' spouse, children, parents, and unmarried siblings under 18 to join them in the United States.

Sec. 802. Permitted Presence of Victims of Severe Trafficking. This section permits trafficking victims' unlawful presence in the United States only if the trafficking is at least one central reason for the unlawful presence. The limited exception to the unlawful presence provision is identical to that afforded to non-citizen survivors of domestic abuse.

Sec. 803. Adjustment of Status for Victims of Trafficking. This section shortens the adjustment time and allows trafficking victims to apply for lawful permanent residency 2 years after receiving a T visa.

Sec. 804. Protection and Assistance for Victims of Trafficking. This section clarifies the roles and responsibilities accorded to the Department of Justice and the Department of Homeland Security in addressing trafficking and supporting victims. Furthermore, this section clarifies that "assistance" by trafficking victims includes responding to and cooperating with requests for evidence and information.

Sec. 805. Protecting Victims of Child Abuse and Incest. This section clarifies language to ensure that children of VAWA self-petitioners abused by lawful permanent residents receive the VAWA immigration protection and lawful permanent residency along with their abused parent. It also assures that children eligible for VAWA immigration relief are not excluded from Child Status Protection Act protection. This section enhances protection for incest victims by permitting VAWA self-petitions to be filed until age 25 by individuals who qualified for VAWA relief before they were 21 but did not file a petition before that time if the abuse is at least one central reason for the delayed filing.

Under current law, adopted foreign-born children must reside with their adoptive parents for two years to gain legal immigration status through their adoptive parents. This section allows adopted children who were battered or subjected to extreme cruelty by their adoptive parent or the adoptive parent's family member residing in the household to attain legal immigration status without having to reside for two years with the abusive adoptive family member.

Sec. 811. Definition of VAWA Self-Petitioner. This section creates a term "VAWA self-petitioner" which covers all forms of VAWA self-petitions created in VAWA 2000 including VAWA Cuban Adjustment, VAWA HRIFA and VAWA NACARA applicants.

Sec. 812. Application in Cases of Voluntary Departure. Under current law, people who fail to comply with voluntary departure orders are barred for 10 years from receiving lawful permanent residency through adjustment of status, cancellation of removal (including VAWA cancellation), change of status, and registry. Denying lawful permanent residency to immigrant victims of domestic violence, sexual assault and trafficking undermines Congressional intent to provide immigration relief crucial to supporting crime victims cooperating with law enforcement and offering protection for battered immigrant spouses and children. This section exempts victims eligible for VAWA, T or U relief from the harsh consequences of failing to comply with voluntary departure orders as long as the extreme cruelty or battery is at least one of the central reasons for the overstay.

Sec. 813. Removal Proceedings. This section adds domestic abuse to the list of exceptional circumstances that allow immigrants to file motions to reopen in removal proceedings. VAWA 2000 allowed immigration judges in cancellation of removal and adjustment of status proceedings to waive ineligibility grounds for some VAWA eligible battered petitioners, who acted in self defense, violated their own protection order, or were involved in a crime that didn't result in serious bodily injury or where there was a connection between the crime and their own abuse. This section corrects drafting errors that have made these waivers procedurally unavailable to battered immigrant victims.

Sec. 814. Eliminating Abusers' Control Over Applications and Limitation on Petitioning for Abusers. The Violence Against Women Act enabled battered Haitian Refugee Immigration Fairness Act and Cuban Adjustment Act applicants to apply for VAWA immigration relief. In order for these

applicants to access the relief, they need to file motions to reopen. However, due to a drafting oversight, the deadline for filing motions to reopen had already passed when VAWA 2000 became law. This amendment corrects the drafting and allows these battered immigrants to file motions to reopen and thereby access the relief that was created for them in VAWA 2000.

This section also makes approved VAWA self-petitioners and their spouses eligible for employment authorization. Providing employment authorization earlier in the application process gives battered immigrant self-petitioners the means to sever economic dependence on their abusers, promoting their safety and the safety of their children.

Section 814 also prohibits a VAWA self-petitioner or a T or U-visa holder from petition for immigrant status for their abuser.

Sec. 815. Application for VAWA-Related Relief. This amendment clarifies that certain battered spouses and children can access relief under the Nicaraguan Adjustment and Central American Relief Act that was specifically created for those groups in VAWA 2000. This amendment ensures relief even in cases where an abusive spouse or parent failed to apply to adjust the survivor's status to lawful permanent residency by the statutory deadline or failed to follow through with applications after filing. Thus, this amendment prevents abusers from controlling their non-citizen victims by blocking their ability to successfully access the relief that was intended under VAWA 2000.

Sec. 816. Self Petitioning Parents. This section expands the scope of VAWA immigration relief to include intergenerational abuse, allowing non-citizen parents who are abused by their adult U.S. citizen son or daughter to seek VAWA relief.

Sec. 817. Enhanced VAWA Confidentiality Non-disclosure Protections. This section amends VAWA's confidentiality protections so that they cover a range of immigrant victims eligible for the various forms of VAWA or crime victim related immigration relief including T visa victims, VAWA Cubans, VAWA HRIFAs, VAWA NACARAs and VAWA suspension applicants. This section also ensures that VAWA confidentiality rules apply to each relevant federal agency including the Department of Homeland Security and the Department of State.

Sec. 821. Duration of T and U visas. This provision would authorize issuance of T and U visas for a period of not more than 4 years.

Sec. 822. Technical Correction to References in Application of Special Physical Presence and Good Moral Character Rules. This section corrects two technical drafting errors. First it ensures that the provisions on physical presence and on good moral character apply to all VAWA cancellation applicants. Second it corrects an incorrectly cited section so that the "good moral character" bar applies to bigamy, not unlawful presence.

Sec. 823. Petitioning Rights of Certain Former Spouses Under Cuban Adjustment. This section would ensure that battered immigrants are still able to adjust under VAWA Cuban adjustment relief even if they are divorced from the abuser. This provision is necessary to prevent abusers from cutting their spouses off from potential immigration status adjustment by divorcing them.

Sec. 824. Self-Petitioning Rights of HRIFA Applicants. This amendment clarifies that Haitian abused applicants can access relief that was specifically created for them in VAWA 2000. Abusers could control battered immigrants by not adjusting their own status to lawful permanent residency pursuant to the Haitian Refugee Immigration Fairness Act ("HRIFA"). The abuser may not follow

through with the lawful permanent residency application or fail to file an application at all. This technical correction remedies the problem to ensure that all abused spouses and children otherwise eligible for VAWA HRIFA are able to access this relief.

Sec. 825. Motion to Reopen. This section, a correction to VAWA 2000, gives domestic abuse victims the opportunity to file one motion to reopen to pursue VAWA relief, and exempts them from the special motion to reopen filing deadlines.

Sec. 826. Protecting Abused Juveniles. This section assures that immigration authorities are not required to contact abusive parents or family members in connection with the abused, neglected, or abandoned juvenile's application for special immigrant juvenile status. This prevents abusive parents from keeping their children from accessing help and support in the United States.

Sec. 827. Exceptions for the Protection of Domestic Violence and Crime Victims. This section carves out an exception to the current requirements regarding driver's license or identification cards for victims of domestic violence to ensure their safety.

Sec. 831. Short Title for the International Marriage Broker Regulation Act of 2005.

Sec. 832. International Marriage Broker Information Requirements. This section provides that a U.S. citizen filing a petition for a K visa for a fiancée from another country must provide information on criminal convictions for specified crimes. These include a list of violent crimes, including assault and battery as well as crimes relating to substance or alcohol abuse. The Department of Homeland Security will provide this criminal history information, along with results of their search for any criminal convictions to the foreign national beneficiary. The Department of State is prohibited from approving a fiancée visa if the petitioner has petitioned for more than 2 K visas in the past, or less than 2 years have passed since the petitioner filed for a K visa and that visa was approved. DHS can waive this bar, but if person has history of violent crimes, the bar cannot be waived unless DHS determined that there are extraordinary circumstances, or the individual's crimes were a result of domestic violence, the individual was not the primary perpetrator of the violence, and the crime did not result in serious bodily injury. DHS is directed to create a database to track repeated K applications and notify petitioner and spouse when second K is applied for in 10-year period. All future K applications will trigger similar notice, with domestic violence pamphlet being sent to K beneficiary. The fact that an individual was provided with this information and the domestic violence pamphlet for immigrants cannot be used to deny their eligibility for relief under VAWA.

Sec. 833. Domestic Violence Information and Resources for Immigrants and Regulation of International Marriage Brokers. This section directs DOS, DHS and DOJ to create a pamphlet on domestic violence rights and resources for immigrants as well as a summary of that pamphlet for use by Federal officials in the interview process. The pamphlet is to be translated into at least 14 languages and the required list of translations is to review and revised every 2 years based on the language spoken by the greatest concentration of K nonimmigrant visa applicants. The pamphlet is to be mailed to all K applicants with their visa application process instruction packet as well as a copy of the petition submitted by the petitioner. The pamphlet is to be made available to the public at all consular posts, and posted on the DOS, DHS, and consular post websites. The pamphlet will also be provided to any international marriage broker, government agen-

cy or non-governmental advocacy organization.

Sec. 834. Sharing of Certain Information. This section provides that there is no bar to the sharing of information between the relevant departments for the purpose of fulfilling the disclosure requirements of the U.S. petition.

#### TITLE IX. SAFETY FOR INDIAN WOMEN

Sec. 901 and 902. Findings and Purposes.

Sec. 903. Consultation Requirement. This section requires the Secretary of the Interior and the Attorney General to consult with and seek recommendations from tribal governments concerning the administration of tribal VAWA funds and programs.

Sec. 904. Analysis and Research of Violence Against Indian Women. This provision requests that the National Institute of Justice conduct a national baseline study to examine violence against Indian women and the effectiveness of Federal, State, local and tribal responses. It also requires the Attorney General to establish a task force to assist in the development and implementation of the study and report to Congress. Members of the study shall include tribal governments and national tribal organizations. The violence study is authorized at \$1,000,000 for fiscal years 2007 and 2008. In addition, this section requires the Secretary of Health and Human Services to conduct a study of injuries to Indian women from incidents of domestic violence, dating violence, sexual assault and stalking and the costs associated with these injuries. The injury report shall be reported to Congress and is authorized at \$500,000 for fiscal years 2007 and 2008.

Sec. 905. Tracking of Violence Against Indian Women. In cases of domestic violence, dating violence, sexual assault and stalking, the provision authorizes tribal law enforcement to access and enter information on to Federal criminal information databases (set out in 28 U.S.C. §534). Second, it permits tribes to develop and maintain national tribal sex offender registries and tribal protection order registries. To undertake the latter, the provision authorizes \$1,000,000 for fiscal years 2007 through 2011.

Sec. 906. Safety for Indian Women Formula Grants. To better administer grants to Indian Country and enhance the responses of Indian tribal governments, this measure authorizes the Office on Violence Against Women to combine all Native American set asides appropriated under this Act and create a single grant source.

Sec. 907. Deputy Director in the Office on Violence Against Women. To coordinate and guide Federal, State, local and tribal responses to violence against Indian women, this provision establishes a Deputy Director of Tribal Affairs in the Office on Violence Against Women. The Deputy Director is charged with several duties, including, but not limited to, oversight of tribal grant programs and developing federal policies and protocols on matters relating to violence against Indian women. In addition, the Deputy Director is authorized to ensure that some portion of tribal funds distributed through VAWA programs will be devoted to enhancing tribal resources such as legal services or shelters for Indian women victimized by domestic violence or sexual assault.

Sec. 908 and 909. Enhanced Criminal Law Resources and Domestic Assault by Habitual Offender. Sections 908 and 909 make several changes to existing criminal law. Under current law persons who have been convicted of a qualifying misdemeanor crime of domestic violence under federal or state law are prohibited from possessing firearms. This amendment would expand that prohibition to those persons convicted of a qualifying misdemeanor crime of domestic violence under tribal law.

Under current law, federal courts have exclusive jurisdiction over domestic violence crimes committed in Indian country where the perpetrator is a non-Indian and the victim is an Indian, and concurrent jurisdiction with the tribal courts where the perpetrator is an Indian and the victim is a non-Indian. Under this scheme, federal officers can only arrest for misdemeanors that occur in the presence of the arresting officer. Most domestic violence offenses are misdemeanors not committed in the presence of a federal officer. Accordingly, this amendment will eliminate that requirement and allow a federal arrest if there is reasonable grounds that the offense was committed. Finally, the provision creates a repeat offender provision.

#### TITLE X. DNA FINGERPRINTING

Sec. 1001. Short Title.

Sec. 1002. Use of Opt-Out Procedure to Remove Samples from National DNA Index. Because this title expands the scope of the national DNA database to include DNA samples from arrestees, this particular section amends the current expungement protocols and directs the FBI to remove samples in the event of an overturned conviction, acquittal, or the charge was dismissed.

Sec. 1003. Expanded Use of COIS Grants. To reduce the extraordinary backlog of rape kits and other crime scene evidence waiting for DNA testing, the federal government makes available to States a targeted DNA grant program. Specifically, States may seek funding to reduce the backlog in crime scene evidence, to reduce the backlog in DNA samples of offenders convicted of qualifying state offenses, or to enhance the State's DNA laboratory capabilities. This section would expand the grant purpose regarding offender DNA samples to include all samples collected under applicable state law; accordingly, States could use federal funding to test samples collected from arrestees or voluntary elimination samples.

Sec. 1004. Authorization to Conduct DNA Sample Collection From Persons Arrested or Detained Under Federal Authority. Current law allows federal authorities to collect DNA samples from individuals upon indictment. This provision would expand that authority to permit the Attorney General to collect DNA at arrest or detention of non-United States persons.

Sec. 1005. Tolling of Statute of Limitations for Sexual Abuse Offenses. This amendment strikes a carve-out authorizing John Doe indictments in sexual assault crimes and makes uniform the federal law that tolls the statute of limitations for all federal crimes where DNA evidence is collected (§3297).

The bill (H.R. 3402), as amended, was read the third time and passed.

#### UNANIMOUS CONSENT REQUEST— S. RES. 336

Mr. SANTORUM. Mr. President, I am going to propound what I hope will be two unanimous consent requests about one particular issue. The issue is on the anti-Semitic statements made by the President of Iran, Mr. Ahmadinejad, who said, among other things, that the state of Israel should be wiped off the face of the Earth. We have been working cooperatively to try to get this resolution cleared, condemning those statements. We had some concerns raised with the resolution which I will discuss in more detail. We finally have a version cleared, and I will discuss in detail how we had to work through that. Suffice it to say