

by the European Community and its member States does not exceed the number of the European Community's Member States."

Shortly after this letter was forwarded by the Assembly, I wrote to Secretary of State Madeleine Albright requesting information on the Administration's position in light of the resolution of the voting dispute. At a hearing of the Foreign Operations Subcommittee on April 14, 2000, I further inquired of Secretary Albright about the progress the Administration was making on this matter.

With the voting rights issue resolved, President Clinton transmitted Treaty Document 106-41, the Protocol Relating to the Madrid Agreement to the Senate for ratification on September 5, 2000. United States membership in the Protocol would greatly enhance the ability of any U.S. business, whether large and small, to protect its trademarks in other countries more quickly, cheaply and easily. That, in turn, will make it easier for American businesses to enter foreign markets and to protect their trademarks in those markets.

Senators HELMS and BIDEN moved promptly to hold a hearing in the Foreign Relations Committee on September 13, 2000 to consider the Protocol, and I commend them for acting quickly so this treaty may be considered by the full Senate before we adjourn. Members on both sides of the aisle have worked together successfully and productively in the past on intellectual property matters, and I am pleased to see these efforts again with the Protocol and implementing legislation.

Passage of S. 671 would help to ensure timely accession to and implementation of the Madrid Protocol, and it will send a clear signal to the international community, U.S. businesses, and trademark owners that Congress is serious about our Nation becoming part of a low-cost, efficient system to promote the international registration of marks.

The Madrid Protocol Implementation Act is part of my ongoing effort to update American intellectual property law to ensure that it serves to advance and protect American interests both here and abroad. The Protocol would help American businesses, and especially small and medium-sized companies, protect their trademarks as they expand into international markets. Specifically, this legislation will conform American trademark application procedures to the terms of the Protocol in anticipation of the U.S.'s eventual ratification of the treaty. Ratification by the United States of this treaty would help create a "one stop" international trademark registration process, which would be an enormous benefit for American businesses.

S. 671 makes no substantive change in American trademark law but sets up new procedures for trademark applicants who want to obtain international trademark protection. This bill would

ease the trademark registration burden on small and medium-sized businesses by enabling businesses to obtain trademark protection in all signatory countries with a single trademark application filed with the Patent and Trademark Office. Currently, in order for American companies to protect their trademarks abroad, they must register their trademarks in each and every country in which protection is sought. Registering in multiple countries is a time-consuming, complicated and expensive process—a process which places a disproportionate burden on smaller American companies seeking international trademark protection. The practical benefits of the Madrid Protocol system will be to provide small and medium-sized U.S. businesses with faster, cheaper and easier protection for their trademarks.

I again urge the Senate to promptly consider and send to the President the Madrid Protocol Implementation Act.

REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

Mr. HARKIN. Mr. President, I would like to take a moment to talk about an important issue—the critical need for Congress to reauthorize the Violence Against Women Act or VAWA. It has strong bipartisan support and it should be passed before the end of this session.

I was a proud cosponsor of this bill when it passed in 1994 and I am an original cosponsor of the reauthorization bill. This is a law that has helped hundreds of thousands of women and children in Iowa and across the nation. It has directed millions of federal dollars in grants to local law enforcement, prosecution and victim services.

Iowa has received more than \$8 million in grants through VAWA. These grants fund the Iowa Domestic Violence Hotline. They help keep the doors open at domestic violence shelters, like the Family Violence Center in Des Moines.

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

The numbers show that VAWA is working. A recent Justice report found that intimate partner violence against women decreased by 21 percent from 1993 to 1998. This is strong evidence that state and community efforts are working.

But VAWA must be reauthorized to allow these efforts to continue without having to worry that this funding will be lost from year to year.

Congress should not turn its back on America's women and children. Reauthorization should be a priority. So, I urge my colleagues and the leadership to pass this legislation this session.

VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. Mr. President, it has been more than a year since the

Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 19, 2000:

Angel Avila, 17, El Paso, TX; Patrick Codada, 21, Miami, FL; Hugo Contreras, 19, Houston, TX; Jose C. Diaz, 35, Chicago, IL; Alfred Harth, 26, Kansas City, MO; Pedro Hernandez, 23, Chicago, IL; Michael Jones, 18, Baltimore, MD; Michael K. Mills, 17, Chicago, IL; Guadalupe Munoz, 25, Houston, TX; Mario Cardenas Rivera, 18, Minneapolis, MN; Enrique Ortiz Suarez, 12, Minneapolis, MN; Ivory Williams, 18, Detroit, MI; Victor Williams, 17, Detroit, MI; Unidentified Male, 79, Portland, OR; Unidentified Female, 26, Norfolk, VA.

Following are the names of some of the people who were killed by gunfire one year ago yesterday.

September 18, 2000:

Carlos Barrera, 28, Dallas, TX; James D. Bivens, 30, Chicago, IL; Layuette Daniels, 24, Atlanta, GA; Dedrick Jennings, 21, Memphis, TN; Julian Johnson, 17, Atlanta, GA; Aryn Noormuhammed, 25, Houston, TX; Brogdan Patlakh, 24, Philadelphia, PA; Cassiaus Stuckey, 35, Miami, FL; Rad I. Webster, 27, New Orleans, LA; Darel Whitman, 27, Dallas, TX; Joshua Young, 26, Detroit, MI; Unidentified Male, 48, Long Beach, CA.

One victim of gun violence I mentioned, 17-year-old Julian Johnson from Atlanta, was a popular student and football star from Douglass High School in Atlanta. One year ago yesterday, Julian was shot and killed in a drive-by shooting after a football game victory.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

20TH ANNIVERSARY OF THE REGULATORY FLEXIBILITY ACT

Mr. KERRY. Mr. President, I speak today to make note of the anniversary of the signing into law of the Regulatory Flexibility Act. Twenty years ago today, the Reg Flex Act, as it is better known, was signed into law after its passage by the 96th Congress. This historic piece of legislation explicitly recognized the importance of small businesses to the economy and their contributions to innovation and competition.

With the Reg Flex Act, Congress intended that no federal action taken in

the name of good public policy would undermine the nation's equally important commitment to preserving competition and to maintaining a level playing field for small businesses. The law established an analytical framework in which regulatory agencies were directed to consider the impact on small businesses of their regulatory proposals and consider alternatives that would have a more equitable impact without compromising public policy objectives. The Reg Flex Act had bipartisan support, as well as the support of the small business community.

In 1996 the Senate Small Business Committee led the effort to strengthen the Reg Flex Act with the passage of the Small Business Regulatory Enforcement Fairness Act. Under SBREFA, for the first time, the courts were given jurisdiction to review agency compliance with the law and impose remedial action where necessary. This and other changes have truly altered the culture within regulatory agencies. Federal government agencies are learning that they must balance diverse public interest concerns when developing regulations and they must ensure that their actions do not adversely affect small businesses and competition. Nearly every regulation is now examined for its impact on small businesses. Although they may never know it, small businesses have saved billions of dollars and countless work hours thanks to agency compliance with the Reg Flex Act.

Mr. President, the Reg Flex Act clearly helps small businesses every day by compelling agencies to reduce their compliance burdens. The Senate should take pride in the innovative Reg Flex Act, which has helped to create the best climate in the world for small business growth and prosperity. As the Ranking Member of the Senate Committee on Small Business, I am pleased to have played a key role in strengthening this legislation and ensuring its effective application for the benefit of our nation's small businesses.

DOMESTIC VIOLENCE CASES IN THE ASYLUM PROCESS

Mr. LEAHY. Mr. President, I would like to speak today about two critically important immigration issues—expedited removal and the treatment of domestic violence victims in our asylum process. They both arose in a case recently brought to my attention. Two months ago, Ms. Nurys Altagracia Michel Dume fled to the United States from the Dominican Republic. She was fleeing from the man with whom she had lived for the past 11 years, a man who had raped her numerous times, forbade her even to leave the house, and, shortly before she left, bought a gun, held it to her head, and threatened to kill her. This was not the first time he had threatened her life.

She arrived here on July 17, and she was subject to expedited removal because, in her haste to escape from her

abusive partner, she traveled without a valid passport. She expressed her fear of returning to the Dominican Republic. After three days of confinement, she was accorded a credible fear interview. At this crucial interview, at which she would have to discuss the fact that she had been raped, she was interviewed by two male employees and was not represented by counsel. Under their narrow interpretation of what may constitute "credible fear of persecution," based on their interpretation of a Board of Immigration Appeals decision, *Matter of R-A-*, the INS took the position initially that Ms. Michel should be sent back to the Dominican Republic. Under their interpretation any asylum claims based on a fear of domestic violence would be barred. So even though they believed that Ms. Michel's partner might kill her if she were forced to return to her native country, they nonetheless made a legal judgment that her claim was invalid.

I cannot believe that even those supporters of the expedited removal process who forced it into law in 1996 could have intended for this matter to be resolved in this way or for questions of law to be resolved in INS officers at a credible fear hearing. I brought this case to the attention of the INS by way of a letter on August 28. The Lawyers' Committee for Human Rights, Congresswoman CAROLYN MALONEY, and others wrote, as well. I am glad to report that Ms. Michel was accorded a second credible fear interview. At this second interview, Ms. Michel was found to have a credible fear of persecution, and will now have the chance to raise an asylum claim.

Despite this reprieve, however, Ms. Michel's case reveals yet again the serious flaws in expedited removal. A woman who told a compelling history about the danger she faced if returned to her country was only able to receive an asylum hearing after the intervention of highly capable counsel and Members of both Houses of Congress. That it is not an effective or just system. If Ms. Michel's case had not come to the attention of the Lawyers' Committee, she would likely already be back in the Dominican Republic. If she had been forced back, I shudder to think what might have happened to her.

People who flee their countries to escape serious danger should be able to have asylum hearings in the United States without having to navigate the procedural roadblocks established by expedited removal. I, again, call upon the Senate to consider S. 1940, the Refugee Protection Act, a bipartisan bill I introduced last fall with Senator BROWNBACK and five other Senators of both parties. This bill would restrict the use of expedited removal to times of immigration emergencies, and include due process protections in those rare times when it is used.

Expedited removal was originally instituted in the 1996 Anti-Terrorism and

Effective Death Penalty Act (AEDPA). Under expedited removal, low-level INS officers with cursory supervision have the authority to "remove" people who arrive at our border without proper documentation, or with facially valid documentation that the officer simply suspects is invalid. No review—administrative or judicial—is available of the INS officer's decision, which is rendered after a so-called secondary inspection interview. "Removal" is an antiseptic way of saying thrown out of the country.

Expedited removal was widely criticized at the time of its passage as ignoring the realities of political persecution, since people being tortured by their government are quite likely to have difficulties obtaining valid travel documents from that government. Its adoption was viewed by many—including a majority of this body—as an abandonment of our historical commitment to refugees and a misplaced reaction to our legitimate fears of terrorism.

When we debated the Illegal Immigration Reform and Immigrant Responsibility Act later the same year, I offered an amendment with Senator DEWINE to restrict the use of expedited removal to times of immigration emergencies, which would be certified by the Attorney General. This more limited authority was all that the Administration had requested in the first place, and it was far more in line with our international and historical commitments. This amendment passed the Senate with bipartisan support, but it was removed in one of the most partisan conference committees I have ever witnessed. As a result, the extreme version of expedited removal contained in AEDPA remained law, and was implemented in 1997. Ever since, I have attempted to fix the problems with expedited removal.

The Refugee Protection Act is modeled closely on the 1996 amendment that passed the Senate, and I have been optimistic that it too would be supported by a broad coalition of Senators. It allows expedited removal only in times of immigration emergencies, and it provides due process rights and elemental fairness for those arriving at our borders without sacrificing security concerns. But even as the Refugee Protection act has gained additional cosponsors during this session, it has been ignored by the Senate leadership. Indeed, despite my requests, the bill has not even received a hearing.

Meanwhile, in the three and a half years that expedited removal has been in operation, we already have numerous stories of valid asylum seekers who were thrown out of the country without the opportunity to convince an immigration judge that they faced persecution in their native lands. To provide just one example, "Dem," a Kosovar Albanian, was summarily removed from the U.S. after the civil war in Kosovo had already made the front pages of America's newspapers. During