

people who are arrested or detained. I believe authorizing the collection of DNA evidence without probable cause is an invitation to racial profiling, infringes on privacy rights, and may well be unconstitutional. This provision has no place in this important legislation, and I would urge in the strongest terms that it be removed in conference.

Despite the incredible strides made to end domestic violence, there is still much work to be done. We cannot lose sight of the horror which so many victims experience every day, but which rarely appears on network news. Domestic Violence Awareness Month is an opportunity to raise that awareness. It is especially important to recognize the tragedy that is domestic violence in the aftermath of Hurricanes Katrina and Rita. Many domestic violence shelters and rape crisis centers in the gulf coast region were destroyed by these storms. For this reason, I worked to obtain an additional \$9 million in the Senate's Justice Department appropriations bill. It is my hope that these funds will be included in conference and will not only rebuild the damaged facilities but will aid the coalitions that work every day to end domestic and sexual violence and will prove our commitment to their cause.

This legislation addresses the housing crisis that currently exists for victims fleeing their homes, provides more economic stability for victims by taking measures to improve their employment, and creates initiatives to educate and prevent domestic violence from occurring in the first place. The Senate's unanimous passage today of VAWA 2005 demonstrates the Senate's commitment to this important quest.

Mr. BIDEN. Mr. President, because the Violence Against Women Act authorization expires today, it is necessary that we pass legislation to reauthorize this bill immediately. As a result, the Senate does not have an opportunity to debate and vote on all the amendments that Senators may wish to offer to this bill.

One such amendment that the Senator from Oklahoma, Dr. COBURN, had intended to offer would address the issue of HIV and sexual assault and seek greater testing for HIV disease among sexual assault defendants.

I would ask the Senator from Oklahoma, who is a practicing physician, to comment on the merits of this proposal and why it is so important.

Mr. COBURN. Mr. President, I thank Senator BIDEN and all those who have worked hard on this bill. I have a few comments on my amendment about protecting victims of rape and sexual assault from being further victimized by HIV/AIDS.

As a practicing physician, I am deeply concerned about both the physical and emotional well-being of those who have been traumatized by rape and sexual assault. That is why I believe that it is necessary for the reauthorization of the Violence Against Women Act to include timely HIV tests of those accused of rape and sexual assault.

There are countless stories of 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.

Let me explain why this is important.

Treatment with AIDS drugs immediately following exposure to HIV can significantly reduce the chance of infection. However, because of the toxicity and long-term side effects, these drugs should not be administered without first knowing if HIV exposure has occurred. Victims cannot 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.

The American Medical Association, AMA, 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."

In addition to the AMA, groups such as the Children's AIDS Fund and Women Against Violence support this policy.

The Omnibus Crime Control Act of 1994 already allows victims to request a court order to have alleged perpetrators tested for HIV only in Federal assault cases. In October 2000, the House of Representatives overwhelmingly approved a bill, 380 to 19, that would have provided this right and protection to all those who were the victims of sexual assault, but, unfortunately, the Senate never took up this bill. But now is our chance.

It would be a cruel hoax if the Senate approved the Violence Against Women Act of 2005 without including this amendment that ensures those women who have already been victimized by sexual assault are not further victimized by our legal system and HIV/AIDS.

I propose an amendment that would reduce the overall amount of funding under this act for a State or local government by 10 percent unless the State or local government demonstrates that with respect to 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, that the defendant 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; and the victim requests that the defendant be so tested. The defendant must undergo the test not later than 48 hours after the date on which the information or indictment is presented, and that as

soon thereafter as is practicable the results of the test are made available to the victim.

My initiative would not force States to provide this protection, but simply reward those States that do. This right, in fact, already exists in some States but too many women and children are still denied this information that could literally be the difference between life and death.

Do I understand from the Senator from Delaware that constitutional language, ensuring that indicted perpetrators of sexual assault, who have placed the victim at risk of becoming infected with HIV disease, are tested for HIV disease, will be included in the final legislative language agreed upon by the House and Senate conference?

Mr. BIDEN. Yes, that is correct.

Mr. COBURN. I thank the Senator for his commitment to include language in the final reauthorization and for his commitment to reduce violence and protect those who are the victims of sexual assault.

I would also like to recognize the tireless efforts of Deidre Raver of New York who was raped at the age of 19 and has been an effective and compassionate advocate for other survivors of sexual assault. Earlier this month, DNA evidence linked a man on death row in California to the 1988 murder of Deidre's sister, Rachel. My thoughts and prayers are with Deidre and her family at this time and I am hopeful that this discovery will finally bring some closure to her family's long ordeal.

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

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

The amendment (No. 2045) was agreed to.

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

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1197), as amended, was read the third time and passed, as follows:

(The bill will be printed in a future edition of the RECORD).

#### AWARDING OF A CONGRESSIONAL GOLD MEDAL TO THE TUSKEGEE AIRMEN

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking be discharged from further consideration of S. 392 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 392) to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill 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 bill (S. 392) was read the third time and passed, as follows:

S. 392

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress finds the following:

(1) In 1941, President Franklin D. Roosevelt overruled his top generals and ordered the creation of an all Black flight training program. President Roosevelt took this action one day after the NAACP filed suit on behalf of Howard University student Yancy Williams and others in Federal court to force the Department of War to accept Black pilot trainees. Yancy Williams had a civilian pilot's license and had earned an engineering degree. Years later, Major Yancy Williams participated in an air surveillance project created by President Dwight D. Eisenhower.

(2) Due to the rigid system of racial segregation that prevailed in the United States during World War II, Black military pilots were trained at a separate airfield built near Tuskegee, Alabama. They became known as the "Tuskegee Airmen".

(3) The Tuskegee Airmen inspired revolutionary reform in the Armed Forces, paving the way for full racial integration in the Armed Forces. They overcame the enormous challenges of prejudice and discrimination, succeeding, despite obstacles that threatened failure.

(4) From all accounts, the training of the Tuskegee Airmen was an experiment established to prove that so-called "coloreds" were incapable of operating expensive and complex combat aircraft. Studies commissioned by the Army War College between 1924 and 1939 concluded that Blacks were unfit for leadership roles and incapable of aviation. Instead, the Tuskegee Airmen excelled.

(5) Overall, some 992 Black pilots graduated from the pilot training program of the Tuskegee Army Air Field, with the last class finishing in June 1946, 450 of whom served in combat. The first class of cadets began in July 1941 with 13 airmen, all of whom had college degrees, some with Ph.D.'s, and all of whom had pilot's licenses. One of the graduates was Captain Benjamin O. Davis Jr., a United States Military Academy graduate. Four aviation cadets were commissioned as second lieutenants, and 5 received Army Air Corps silver pilot wings.

(6) That the experiment achieved success rather than the expected failure is further evidenced by the eventual promotion of 3 of these pioneers through the commissioned officer ranks to flag rank, including the late General Benjamin O. Davis, Jr., United States Air Force, the late General Daniel "Chappie" James, United States Air Force, our Nation's first Black 4-star general, and Major General Lucius Theus, United States Air Force (retired).

(7) Four hundred fifty Black fighter pilots under the command of then Colonel Ben-

jamin O. Davis, Jr., fought in World War II aerial battles over North Africa, Sicily, and Europe, flying, in succession, P-40, P-39, P-47, and P-51 aircraft. These gallant men flew 15,553 sorties and 1,578 missions with the 12th Tactical Air Force and the 15th Strategic Air Force.

(8) Colonel Davis later became the first Black flag officer of the United States Air Force, retired as a 3-star general, and was honored with a 4th star in retirement by President William J. Clinton.

(9) German pilots, who both feared and respected the Tuskegee Airmen, called them the "Schwartz Vogelmenshen" (or "Black Birdmen"). White American bomber crews reverently referred to them as the "Black Redtail Angels", because of the bright red painted on the tail assemblies of their fighter aircraft and because of their reputation for not losing bombers to enemy fighters as they provided close escort for bombing missions over strategic targets in Europe.

(10) The 99th Fighter Squadron, after having distinguished itself over North Africa, Sicily, and Italy, joined 3 other Black squadrons, the 100th, the 301st, and the 302nd, designated as the 332nd Fighter Group. They then comprised the largest fighter unit in the 15th Air Force. From Italian bases, they destroyed many enemy targets on the ground and at sea, including a German destroyer in strafing attacks, and they destroyed numerous enemy aircraft in the air and on the ground.

(11) Sixty-six of these pilots were killed in combat, while another 32 were either forced down or shot down and captured to become prisoners of war. These Black airmen came home with 150 Distinguished Flying Crosses, Bronze Stars, Silver Stars, and Legions of Merit, one Presidential Unit Citation, and the Red Star of Yugoslavia.

(12) Other Black pilots, navigators, bombardiers and crewman who were trained for medium bombardment duty as the 477th Bomber Group (Medium) were joined by veterans of the 332nd Fighter Group to form the 477th Composite Group, flying the B-25 and P-47 aircraft. The demands of the members of the 477th Composite Group for parity in treatment and for recognition as competent military professionals, combined with the magnificent wartime records of the 99th Fighter Squadron and the 332nd Fighter Group, led to a review of the racial policies of the Department of War.

(13) In September 1947, the United States Air Force, as a separate service, reactivated the 332d Fighter Group under the Tactical Air command. Members of the 332d Fighter Group were "Top Guns" in the 1st annual Air Force Gunnery Meet in 1949.

(14) For every Black pilot there were 12 other civilian or military Black men and women performing ground support duties. Many of these men and women remained in the military service during the post-World War II era and spearheaded the integration of the Armed Forces of the United States.

(15) Major achievements are attributed to many of those who returned to civilian life and earned leadership positions and respect as businessmen, corporate executives, religious leaders, lawyers, doctors, educators, bankers, and political leaders.

(16) A period of nearly 30 years of anonymity for the Tuskegee Airmen was ended in 1972 with the founding of Tuskegee Airmen, Inc., in Detroit, Michigan. Organized as a non-military and nonprofit entity, Tuskegee Airmen, Inc., exists primarily to motivate and inspire young Americans to become participants in our Nation's society and its democratic process, and to preserve the history of their legacy.

(17) The Tuskegee Airmen have several memorials in place to perpetuate the memory

of who they were and what they accomplished, including—

(A) the Tuskegee Airmen, Inc., National Scholarship Fund for high school seniors who excel in mathematics, but need financial assistance to begin a college program;

(B) a museum in historic Fort Wayne in Detroit, Michigan;

(C) Memorial Park at the Air Force Museum at Wright-Patterson Air Force Base in Dayton, Ohio;

(D) a statue of a Tuskegee Airman in the Honor Park at the United States Air Force Academy in Colorado Springs, Colorado; and

(E) a National Historic Site at Moton Field, where primary flight training was performed under contract with the Tuskegee Institute.

#### SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to the Tuskegee Airmen, on behalf of Congress, a gold medal of appropriate design honoring the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

#### SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

#### SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, an amount not to exceed \$30,000 to pay for the cost of the medals authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

#### ORDERS FOR WEDNESDAY, OCTOBER 5, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, October 5; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of H.R. 2863, the Defense appropriations bill. I further ask unanimous consent the Senate stand in recess from 12:30 to 2:15 p.m. to accommodate the weekly party luncheons.

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

#### PROGRAM

Mr. FRIST. Mr. President, today we continued on the Defense appropriations bill, and several amendments