handled civil litigation matters including intellectual property, class actions, international arbitration, bankruptcy, and general commercial disputes. Mr. Costa also worked on appellate matters and a few pro bono cases as well.

In 2005, he joined the U.S. Attorney's Office for the Southern District of Texas, Houston office, as an assistant U.S. attorney. Mr. Costa has worked in the criminal division of the office in the major offenders and major fraud sections, investigating and prosecuting matters in the areas of mortgage fraud, investment fraud, securities fraud, public corruption, Internet fraud, human trafficking, child pornography, and narcotics and firearms violations. As an AUSA, Mr. Costa also has handled numerous appellate matters before the U.S. Court of Appeals for the Fifth Circuit.

In addition to prosecuting cases for the office, Mr. Costa serves as the deputy international affairs coordinator for the U.S. Attorney's Office. In this capacity, he helps coordinate incoming and outgoing requests on behalf of the Governments of Malaysia, Turkey, Columbia, Greece, France, and the United Kingdom. Mr. Costa also helps and provides guidance to other AUSAs on extradition matters. And in 2005, after Hurricanes Katrina and Rita, Mr. Costa served as the hurricane fraud coordinator for his office that investigated fraud cases relating to the Hurricanes. Mr. Costa's office prosecuted more than 100 individuals for crimes such as government-benefit fraud, identify theft offenses, charitable fraud, and investment fraud.

The ABA Standing Committee on the Federal Judiciary gave him a unanimous rating of ''well qualified.''

We are also considering the nomination of David Campos Guaderrama, nominated to be U.S. district judge for the Western District of Texas. After graduation from Notre Dame Law School, Judge Guaderrama worked as a solo practitioner from December 1979 to August 1980. He then formed a partnership practice with his then wife. His practice focused on defending individuals in criminal cases, but he also handled some general civil, probate, and workers' compensation cases during this time. In 1987, he was appointed to serve as El Paso County's first public defender and was charged with starting up and developing an office that would be capable of handling at least 50 percent of all indigent felony cases.

In November 1994, Judge Guaderrama was elected judge of the 243rd Judicial District Court of Texas. He was elected for a 4-year term and subsequently reelected on four occasions. During his term as a Texas District Court judge, he was instrumental in establishing the 243rd Drug Court Program and Access to Recovery Program. Both programs are aimed at helping rehabilitate defendants guilty of minor drug offenses through counseling and supervision, rather than incarceration. Also while on the 243rd Judicial District he served as chairman of a subcommittee that oversaw reform of the jury selection process that implemented mailing jury qualification questionnaires to potential jurors. He also piloted a program to use video conference technology to conduct arraignments.

In 2008, Judge Guaderrama was an unsuccessful candidate for justice, Eighth Court of Appeals of Texas. In 2010, he was appointed by the U.S. District Court of the Western District of Texas to serve an 8-year term as a U.S. magistrate judge. He has an ABA rating of majority ''well qualified'', minority ''qualified.''

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Gregg Jeffrey Costa, of Texas, to be United States District Judge for the Southern District of Texas.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 83 Ex.]

YEAS—97

Akaka	Gillibrand	Murkowski
Alexander	Graham	Murray
Ayotte	Grassley	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Harkin	Paul
Begich	Hatch	Portman
Bennet	Heller	Pryor
Bingaman	Hoeven	Reed
Blumenthal	Hutchison	Reid
Blunt	Inhofe	Risch
Boozman	Inouye	Roberts
Boxer	Isakson	Rockefeller
Brown (MA)	Johanns	Rubio
Brown (OH)	Johnson (SD)	Sanders
Burr	Johnson (WI)	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shaheen
Carper	Kohl	Shelby
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Coats	Lautenberg	Tester
Coburn	Leahy	Thune
Cochran	Levin	Toomey
Collins	Lieberman	Udall (CO)
Conrad	Lugar	Udall (NM)
Coons	Manchin	Vitter
Corker	McCain	Warner
Cornyn	McCaskill	Webb
Crapo	McConnell	Whitehouse
Durbin	Menendez	Wicker
Enzi	Merkley	Wyden
Feinstein	Mikulski	
Franken	Moran	

NAYS—2

DeMint	Lee

NOT VOTING—1

Kirk

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I ask unanimous consent that when the Senate resumes legislative session, the period for debate only on S. 1925 be extended until 2:30 p.m. today, with the time equally divided between the two leaders or their designees and that I be recognized at 2:30 p.m. today.

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

Under the previous order, the question is, will the Senate advise and consent to the nomination of David Campos Guaderrama, of Texas, to be United States District Judge for the Western District of Texas?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2011—Continued

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. I rise today to speak on an issue that is profoundly important and meaningful to this body at this moment in history. We face a critical juncture in our Nation's history, and we absolutely must renew and strengthen the Violence Against Women Act, not only for the sake of women but also our families around Connecticut and this country.

I thank my colleagues for voting to proceed to consideration of S. 1925, the Violence Against Women Reauthorization Act. VAWA is critically important. It is bipartisan legislation that gives victims of domestic violence and sexual assault access to the services they so desperately need. This crucial law supports both the organizations that provide these services and the law enforcement agencies that assist the victims as they pursue justice.

As a law enforcement official, I saw firsthand in my duties as State attorney general for Connecticut how important and practical and meaningful this law is. We have a responsibility to not only authorize but also to strengthen VAWA right away.

Some 17 years have passed since the original Violence Against Women Act. We have made great strides, but we cannot be complacent in our efforts to protect our Nation's children and women. At a time when the women of our great Nation face relentless attacks on their rights, we cannot afford to lose the ground we have gained over the last 17 years. We must address the grave concerns of domestic violence and sexual assault which are in no way partisan. As Chairman LEAHY so eloquently and powerfully stated, there is nothing Republican or Democratic about a victim who suffers from this grave ill.

S. 1925 is a bipartisan bill written over months of negotiations and consultations with critical law enforcement and victims advocacy groups, and it supports a number of organizations in my home State of Connecticut with a mission to protect women who experience violence in all forms. This bill provides resources to help a number of organizations in Connecticut fulfill their vital mission to protect more than 54,000—I am going to repeat that because that is a staggering number—54,000 domestic violence victims in Connecticut alone.

Organizations in Connecticut received nearly $5 million in fiscal year 2011 from the Violence Against Women Act. But many domestic programs in Connecticut and around the country are reporting huge staff and resource shortages that are necessary to respond to the hundreds of thousands of women in need. It is truly an epidemic in this country that we must counter and fight just as we would an epidemic of infectious bacteria or other kinds of insidious sources. VAWA would give these service providers the resources they need to protect women, men, and children who are victims of domestic and sexual violence. We have the opportunity to renew and commit to end domestic violence with updates and stronger measures in this act.

I am pleased that S. 1925 builds on the accountability provisions in the current law so we can make sure VAWA grant money is used effectively and efficiently to support victims. There is a new frontier in the fight against domestic violence and sexual assault. We must strengthen provisions dealing with Internet abuse to protect women and others from those kinds of threats, intimidation, harassment, even physical assaults facilitated by the Internet. Domestic violence, sexual assault, and stalking can be even more dangerous and threatening in the Internet age, requiring broader and stronger protection. We must protect the thousands of women who fall victim every year to violent crimes facilitated by cyber stalking and impersonation with consequences that are truly horrific and reprehensible.

I am proud to introduce a companion bill to the Violence Against Women Act that enhances current law for the Internet age. This legislation, the Internet Abuse Act, expands the ability of law enforcement to prosecute criminals who use the Internet to intimidate, threaten, harass, and facilitate acts of sexual violence against women, children, and others.

The VAWA proposal before us includes key concepts from the Internet Abuse Act. One of the key provisions strengthens existing criminal provisions against cyber stalking. We must take this act to the new frontier of Internet abuse and make it real against the very pernicious and reprehensible cyber stalking, cyber harassment, and cyber assault that is as much a fact of life as the older forms of domestic abuse. This provision gives law enforcement the ability to go after more real instances of criminal harassment and abuse online, and I want to stress at the same time the provision dramatically strengthens free speech protections.

Currently, the government can prosecute individuals for merely annoying online communications as well as communications that may be generally offensive but not directed at a specific person. This provision removes those authorities from the law so that prosecutors will spend their limited resources focusing on real causes of harassing and abusive conduct online.

The law also focuses on vulnerable populations. As we strengthen VAWA, we must ensure that all victims of domestic violence are protected and have access to the services they need.

Although VAWA has been strengthened and updated in every past reauthorization, the needs of some of our most vulnerable communities still have not been fully addressed. One example is elder abuse. Although the VAWA reauthorization in 2000 included provisions to deal with domestic abuse in later life, our Nation's elders continue to be victims of domestic violence. I am pleased that the provisions I drafted with my distinguished colleague, Senator KOHL, which improve the protections for elder victims of domestic abuse, have been included in this reauthorization of VAWA.

There are LGBT protections. It would simply be unconscionable to deny any victim of domestic violence the support he or she needs. For that reason, I strongly support the provisions that ensure all victims of domestic violence, regardless of gender or sexual orientation, have access to lifesaving services, and we are talking about lifesaving services.

In my experience nobody ever asked what the sexual orientation of a victim was when that person was, in fact, battered and brutalized. There is no such question that gay, lesbian, bisexual, and transgender individuals experience domestic violence at the same rate as the general population. Yet these individuals face discrimination as they attempt to access victims services. That should not be acceptable in this country.

In fact, the survey found 45 percent of LGBT victims were turned away when they sought help from a domestic violence shelter. Clearly, there is a real need to improve the access and availability of services for this vulnerable population, and I support measures in the act that ensure victims of domestic and sexual violence, regardless of their sexual orientation or gender identification, can access the services they need.

In addition, there are broader protections for Native American communities. S. 1925 makes great improvements to the law enforcement tools available to Native American populations. Members of the Tribal Council of the Mashantucket Pequot Tribal Nation, a great tribal nation in Connecticut, have appealed to me to protect the tribal provisions in S. 1925 and to make sure any amendments are barred if they weaken those protections.

In short, all victims of domestic violence deserve access to the services they need and many of my colleagues I know agree. In fact, 61 from both sides of the aisle have signed on to the Violence Against Women Reauthorization Act, and I thank every single one of them for stepping forward and speaking out on this profoundly meaningful and important issue. We have the opportunity to work to eliminate domestic and sexual violence, which is a scourge in our society, costly in suffering as well as dollars, and I encourage my colleagues to keep faith with the hundreds of thousands of victims who look to us for the support they need. We must vote as soon as possible—hopefully today—to reauthorize the Violence Against Women Act.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Iowa.

Mr. GRASSLEY. Madam President, I have seen the good the law called the Violence Against Women Act has done in providing victim services in my State of Iowa. We all recognize the harm that flows from domestic violence. It is harmful to the victims as well as the families of victims.

I have supported reauthorization of the Violence Against Women Act each time it has come up. The Violence Against Women Reauthorization on each of these occasions has been highly bipartisan. We have passed consensus bills and we have not played politics with reauthorizing the law; that is, until now. This time it seems to be different. I don't know why it should be. The majority turned this issue into a partisan issue.

In the Judiciary Committee, the majority gave no notice it would inject new matters into the Violence Against Women Act. When the committee held a hearing on this issue, these ideas were not discussed. Their need has not been demonstrated. We do not know exactly how they will work. It was clear committee Republicans would not be able to agree to this new added material. Of course, the majority refused during negotiations when we asked they be removed.

Republicans will be offering a substitute amendment to the Leahy bill. Probably 80 to 85 percent of the substitute we are offering is the same as the Leahy bill. This includes whole titles of the bill. We could have again reached a near consensus bill to reauthorize the Violence Against Women Act, but the majority intentionally decided not to change the bill. They didn't want it to pass with an overwhelming bipartisan majority.

Now the media has reported this was a deliberate strategy of the majority. A recent Politico article quoted a prominent Democratic Senator. The article

said he ''wants to fast track the bill to the floor, let the GOP block it, then allow Democrats to accuse Republicans of waging a war against women.'' This is the cynical, partisan game-playing Americans are sick of. At every town meeting people say to me: When are you going to get together and stop the partisanship? This is especially the case on this bill.

Republicans aren't even blocking the bill. We have called for the bill to be brought up. Instead, the majority has taken 6 months to reauthorize this program that expired last October. That says something about the priorities of the other party.

For instance, last week, we wasted time on political votes. That seems to be the case in the Senate most of this year. The Senate can pass a bill to reauthorize the Violence Against Women Act by an overwhelming margin, but it seems as though the other party doesn't want that to happen. When they say unfavorable things about Republicans and women, they aren't being forthright. A few weeks ago, the Democratic Congressional Campaign Committee sent out a fundraising e-mail. The e-mail stated, in part:

Now, there are news reports that Republicans in Congress will oppose re-authorizing the Violence Against Women Act. Enough is enough! The Republican War on Women must stop NOW . . . Will you chip in $3 by midnight tonight to hold Republicans accountable for their War on Women?

The majority had a decision between raising money for campaigns or trying to get the Violence Against Women Act reauthorization bill that would actually help these victims. I say to my colleagues, there is no war on women except the political one. It is a figment of the imagination of Democratic strategists who don't want to remember health care reform, unemployment or high gas prices. Instead of talking about those issues—particularly high gas prices—they would rather make up a war against women. All evidence points to the other side being more interested in raising money.

The media has also reported the bill is coming out now because the Democrats' desire to gin up a Republican so-called war on women was derailed last week, I suppose by other issues. It should be clear at the outset Republicans are not blocking, have not blocked, and never threatened to block the Senate's consideration of this bill. The Judiciary Committee only reported the bill to the Senate 2 months ago. It was March before the committee filed its usual committee report to the entire Senate. Democrats immediately came to the floor and urged the bill to come up right now. It was up to the majority leader to decide when the bill should be debated. He finally decided—not right after the bill was reported out of committee or not right after the committee report was filed—to do it now. Why not back then?

As long as there is a fair process for offering amendments, including our alternative bill and pointing out the flaws in the majority's bill, this should be a relatively short process. As the previous speaker said, I hope we can get it done this very day.

There are several other important points I wish to establish. First, I hope a consensus version of the Violence Against Women Act will be reauthorized. If a consensus bill doesn't pass, no rights of women or anyone else will be affected if the bill does not pass because, contrary to the statements made, there would be no cutbacks of services.

The Violence Against Women Act—the bill before us—is an authorization bill only, not an appropriations bill. This bill does not allow the expenditure of one dime because that result occurs through the appropriations process. Appropriators can and will fund the Violence Against Women Act programs regardless of whether this bill is reauthorized. This is exactly what happened over the past year. We think new issues have arisen since the last Violence Against Women Act reauthorization. These issues should be addressed in a consensus reauthorization. That can happen. We should give guidance to the appropriators. That is what authorization committees, such as in this case, the Judiciary Committee, is all about.

I support the appropriators continuing to fund the Violence Against Women Act while we are trying to put together a consensus bill. The Violence Against Women Act is being funded despite the expiration of its previous authorization. No existing rights of anyone are affected if the Violence Against Women Act is not reauthorized. No existing rights of anyone are affected if we pass a consensus bill rather than this partisan bill—I should say the majority's bill, not the partisan bill.

Second, the majority controls how bills move in the Senate. As I said, the current Violence Against Women Act reauthorization expired 6 months ago. If reauthorization was so important, I think the majority party could have moved to reauthorize this bill months ago. They didn't move a bill because no one's substantive rights or funding are at stake. This is true, even though the prior reauthorization has expired and a new reauthorization bill has not yet passed.

Third, nothing like the majority's bill, where it does not reflect consensus, will become law. It is a political exercise. The other body, meaning the House of Representatives, doesn't seem as though it is going to pass it the way the majority party here wants it to pass. If we want to pass a consensus violence against women reauthorization bill, we ought to start with the alternative Senator HUTCHISON and I are going to present to the Senate.

Fourth, the majority's bill, as reported out of committee, was and is fiscally irresponsible. According to the Congressional Budget Office, the majority's bill would have added more than $100 million in new direct spending. That will increase the deficit by that same amount. The reason is the immigration provisions that we said previously were nonstarters. These were some of the provisions the majority refused to take out. Those provisions are bad immigration policy. Nonetheless, I am glad the majority has now found an offset for this spending.

The Republican alternative does more to protect the rights of victims of domestic violence and sex crimes than does, in fact, the majority bill. There are many ways in which this substitute does that. Under the substitute amendment, more money goes to victims and less to bureaucrats. It requires that 10 percent of the grantees be audited every year. This is to ensure taxpayer funds are actually being used for the purpose of the legislation—to combat domestic violence.

This is a very important point. The Justice Department inspector general conducted a review of 22 grantees under this law between 1998 and 2010. Of these 22 audits, 21 were found to have some form of violation of grant requirements. The violations range from unauthorized and unallowable expenditures to sloppy recordkeeping and failure to report in a timely manner. When this happens, the money is not getting to the victims and the taxpayers' money is being wasted.

Let me give some examples. In 2010, one grantee was found by the inspector general to have questionable costs for 93 percent of the nearly $900,000 they received from the Justice Department. A 2009 audit found that nearly $500,000 of a $680,000 grant was questionable.

The fiscal irregularities continue. An inspector general audit from just this year found that this law's grant recipients in the Virgin Islands engaged in almost $850,000 in questionable spending. Also, a grant to an Indian tribe in Idaho found about $250,000 in improperly spent funds. This included—can my colleagues believe it—$171,000 in salary for an unapproved position.

In Michigan this year, a woman, at a VAWA grant recipient facility, used grant funds to purchase goods and services for personal use.

We should make sure then that Violence Against Women Act money goes to victims and not to waste such as this. That hasn't been the case, obviously, under the current situation. So our Republican substitute deals with this spending problem.

The substitute also prevents grantees from using taxpayer funds to lobby for more taxpayer funds. That will ensure that more money is available for victims' services. Money that goes to grantees and is squandered helps no woman or other victims.

In addition, the Republican alternative limits the amount of Violence Against Women Act funds that can go to administrative fees and salaries to 7.5 percent. That means money that now is over the 7.5-percent suggested

limit is going to bureaucrats and not to victims. Of course, the underlying bill, the Leahy bill, contains no such limit. If you want the money to go to victims and not bureaucrats, those overhead expenses should be capped at this 7.5-percent level.

The Republican substitute amendment requires that 30 percent of the STOP grants and grants for arrest policies and protective orders are targeted to sexual assault. The Leahy-Crapo bill sets aside only 20 percent instead of that 30 percent to fight sexual assault.

The substitute Senator HUTCHISON and I offer—hopefully this afternoon—requires that training materials be approved by an outside accredited organization. This ensures that those who address domestic violence help victims based on knowledge and not ideology. This will result in more effective assistance to victims. The Leahy-Crapo bill contains no such requirement.

The Hutchison-Grassley substitute protects due process rights that the majority bill threatens. I will give you an instance. The majority bill said that college campuses must provide for ''prompt and equitable investigation and resolution'' of charges of violence or stalking. This would have codified a proposed rule of the Department of Education that would have required imposition of a civil standard or preponderance of the evidence for what is essentially a criminal charge, one that, if proved, rightly should harm reputation. But if established on a barely ''more probable than not'' standard, reputations can be ruined unfairly and very quickly. The substitute eliminates this provision.

The majority has changed their own bill's language. I thank them for that. I take that as an implicit recognition of the injustice of the original language.

The substitute also eliminates a provision that allowed the victim who could not prove such a charge to appeal if she lost, creating double jeopardy.

The majority bill also would give Indian tribal courts the ability to issue protection orders and full civil jurisdiction over non-Indians based on actions allegedly taking place in Indian country.

Noting that the due process clause requires that courts exercise jurisdiction over only those persons who have ''minimum contacts'' with the forum, the Congressional Research Service has raised constitutional questions about this provision. The administration and its supporters in this body pursue their policy agendas headlong without bothering to consider the Constitution. The substitute contains provisions that would benefit tribal women and would not run afoul of the Constitution.

We have heard a lot of talk about how important the rape kit provisions in the Judiciary Committee bill are. I strongly support funds to reduce the backlog of testing rape kits. But that bill provides that only 40 percent of the rape kit money actually be used to reduce the backlog. The substitute requires that 70 percent of the funding would go for that purpose and get rid of the backlog sooner.

It requires that 1 percent of the Debbie Smith Act funds be used to create a national database to track the rape kit backlog. It also mandates that 7 percent of the existing Debbie Smith Act funds be used to pay for State and local audits of the backlog.

Debbie Smith herself has endorsed these provisions. The majority bill has no such provisions. Making sure that money that is claimed to reduce the rape kit backlog actually does so is provictim. True reform in the Violence Against Women Act reauthorization should further that goal.

Combating violence against women also means tougher penalties for those who commit these terrible crimes. The Hutchison-Grassley substitute creates a 10-year mandatory minimum sentence for Federal convictions for forcible rape. The majority bill establishes a 5-year mandatory minimum sentence. That provision is only in there because Republicans offered it and we won that point in our committee.

Child pornography is an actual record of a crime scene of violence against women. Our alternative establishes a 1-year mandatory minimum sentence for possession of child pornography where the victim depicted is under 12 years of age.

I believe the mandatory minimum for this crime should be higher. In light of the lenient sentences many Federal judges hand out, there should be a mandatory minimum sentence for all child pornography possession convictions. But the substitute is at least a start. This is especially true because the majority bill takes no action against child pornography.

The alternative also imposes a 5-year mandatory minimum sentence for the crime of aggravated sexual assault. This crime involves sexual assault through the use of drugs or by otherwise rendering the victim unconscious. The Leahy bill does nothing about aggravated sexual assault. The status quo appears to be fine for the people who are going to vote for the underlying bill if the Hutchison-Grassley amendment is not adopted.

Instead, the Hutchison-Grassley amendment establishes a 10-year mandatory minimum sentence for the crime of interstate domestic violence that results in the death of the victim.

It increases from 20 to 25 years the statutory maximum sentence for a crime where it results in life-threatening bodily injury to, or the permanent disfigurement of, the victim.

It increases from 10 to 15 years the statutory maximum sentence for this crime when serious bodily injury to the victim results.

The Leahy bill contains none of these important protections for domestic violence victims.

The substitute grants administrative subpoena power to the U.S. Marshals Service to help them discharge their duty of tracking and apprehending unregistered sex offenders. The Leahy bill does nothing to help locate and apprehend unregistered sex offenders.

And the substitute cracks down on abuse in the award of U visas for illegal aliens and the fraud in the Violence Against Women Act self-petitioning process. The majority bill does not include any reforms of these benefits, despite actual evidence of fraud in the program.

One of the Senators who recently came to the floor complained that there had never been controversy in reauthorizing the Violence Against Women Act. But in the past there were no deliberate efforts to create partisan divisions. We always proceeded in the past in a consensus fashion.

Domestic violence is an important issue, serious problem. We all recognize that. In the past, we put victims ahead of politics in addressing it. When the other side says this should not be about politics and partisanship, why, heavens, we obviously agree. It is the majority that has now decided they want to score political points above assisting victims. They want to portray a phony war on women because this is an election year. They are raising campaign money by trying to exploit this issue, and I demonstrated that in one of the e-mails that came to our attention.

There could have been a consensus bill before us today, as in the past. There is controversy now because that is what the majority seems to want. We look forward to a fair debate on this bill and the chance to offer and vote on our substitute amendment. That amendment contains much that is in agreement with the Leahy bill. The substitute also is much closer to what can actually be enacted into law to protect victims of domestic violence.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Hawaii.

Mr. AKAKA. Madam President, I rise today in support of S. 1925, the Violence Against Women Act reauthorization of 2011.

Since its enactment in 1994, VAWA has enhanced the investigation and prosecution of incidents of domestic and sexual violence and provided critical services to victims and their advocates in court. It has truly been a lifeline for women across the country, regardless of location, race, or socioeconomic status.

For these reasons, VAWA's two prior reauthorizations were overwhelmingly bipartisan. This year, however, a number of my colleagues are opposing the Violence Against Women Act reauthorization because they object to, among other things, the authority that it restores to Native American tribes to prosecute those who commit violent crimes against Native women.

This bill's tribal provisions address the epidemic rates of violence against Native women by enabling VAWA programs to more directly and promptly

respond to their concerns and needs. These tribal provisions are critical to the lives of Native women and doubly important to me as chairman of the Senate Committee on Indian Affairs and a Native Hawaiian.

Native women are 2½ times more likely than other U.S. women to be battered or raped. These are extremely disturbing statistics: 34 percent of Native women will be raped in their lifetimes and 39 percent will suffer domestic violence. That is more than one out of every three Native women. We must come together to put a stop to this.

Last summer I chaired an oversight hearing entitled ''Native Women—Protecting, Shielding, and Safeguarding Our Sisters, Mothers, and Daughters.'' I heard the heartbreaking stories that lie behind the grim and troubling statistics on violence against American Indian, Alaska Native, and Native Hawaiian women.

My committee heard from the chief of the Catawba Nation, who gave a moving account of his experience growing up with domestic violence and the impact it had on the women and children in his community. He also spoke of the importance of reauthorizing VAWA.

We heard from officials who described how existing laws are failing Native women. We heard, for example, that women in tribal communities live in a confusing and dangerous jurisdictional maze, in which the absence of clear lines of authority often leads to offenders, many of whom are non-Native men, escaping investigation and prosecution, to say nothing of punishment. This outrageous and unacceptable situation has led to repeated offenses against Native women that too often spiral into violence with tragic consequences for the women, their children, and their communities.

My committee also heard that Native women are being increasingly targeted by the sex-trafficking industry and that many have, according to police reports in tribal communities across the country, simply vanished into this terrible underworld. The draft bill to address violence against Native women was circulated to a wide range of stakeholders for feedback. This led to strengthened provisions in the draft bill which I introduced as S. 1763, the Stand Against Violence and Empower Native Women Act.

The Senate Committee on Indian Affairs held a legislative hearing on my bill the following month and then reported it out of the committee in December.

Since then, I have worked closely with my good friend and colleague Senator LEAHY, chairman of the Judiciary Committee, as we developed S. 1925, which now includes the SAVE Native American Women Act. S. 1925's tribal provisions empower tribal courts to prosecute crimes of domestic violence, dating violence, or violations of protection orders regardless of the race of the alleged abuser. This bill also strengthens research and programs to address sex trafficking. Since VAWA was enacted 18 years ago and reauthorized twice since then, a hallmark of the law is that it has expanded its protections to classes of once neglected victims. Accordingly, S. 1925's tribal provisions are consistent with VAWA's history as well as its intent and purpose, which past Congresses have embraced.

Last week 50 law professors from leading institutions across the country sent a letter to Congress expressing their ''full confidence in the constitutionality of the legislation and in its necessity to protect the safety of Native women.'' Just this week the White House released a Statement of Administration Policy stating that it strongly supports these provisions, which will ''bring justice to Native American victims.''

I commend Chairman LEAHY for his dedicated leadership in developing this bill. He has truly worked in the spirit of aloha by partnering with the Indian Affairs Committee and other offices to craft a VAWA reauthorization bill that reasserts VAWA's intent, purpose, and history.

I would also like to say mahalo—thank you—to each of this bill's other bipartisan cosponsors. As we all know, domestic and sexual violence continues to occur, and far too many women across the country are victims of these horrible acts. We have heard from victims, from service providers, and from law enforcement that these crimes can leave victims with lasting emotional and physical scars, while endangering their security, their families, and their lives.

This bill will strengthen the Violence Against Women Act and extend its protections to include Native women who are underserved in the current system.

This is not an issue that should divide us along partisan lines. On the contrary, it should unite us to take a stand against these awful crimes. So I urge you to join me and the rest of S. 1925's cosponsors to protect our sisters, mothers, and daughters and pass this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, I rise to speak about our Constitution's Federalist structure and the real danger of the Federal Government unduly interfering with the ability of States and localities to address activities and concerns in their communities.

Everyone agrees that violence against women is reprehensible. The Violence Against Women Act reauthorization had the honorable goal of assisting victims of domestic violence, but it oversteps the Constitution's rightful limits on Federal power. It interferes with the flexibility of States and localities that they should have in tailoring programs to meet particular needs of individual communities, and it fails to address problems of duplication and inefficiency.

First, violent crimes are regulated and enforced almost exclusively by State governments. In fact, domestic violence is one of the few activities that the Supreme Court of the United States has specifically said Congress may not regulate under the commerce clause. As a matter of constitutional policy, Congress should not seek to impose rules and standards as conditions for Federal funding in areas where the Federal Government lacks constitutional authority to regulate directly.

Second, the strings Congress attaches to Federal funding in the VAWA reauthorization restrict each State's ability to govern itself. Rather than interfering with State and local programs under the guise of spending Federal tax dollars, Congress should allow States and localities to exercise their rightful responsibility over domestic violence. State and local leaders should have flexibility in enforcing State law and tailoring victim services to the individualized needs of their communities, rather than having to comply with one-size-fits-all Federal requirements.

Third, even if the Federal Government had a legitimate role in administering VAWA grant programs, the current reauthorization fails to address many instances of duplication and overlap among VAWA and other programs operated by the Department of Justice and by the Department of Health and Human Services, nor does it address the grant management failings by the Government Accountability Office.

My opposition to the current VAWA reauthorization is a vote against big government and inefficient spending and a vote in favor of State autonomy and local control. We must not allow a desire by some to score political points and an appetite for Federal spending to prevent States and localities from efficiently and effectively serving women and other victims of domestic violence.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Madam President, when my wife Frannie and I decided that I should run for the Senate, we were greatly influenced by the example set by Senator Paul Wellstone and his wife Sheila. The Wellstone example serves as a constant reminder of what public service is all be about. It is about helping others. It is about giving a voice to those who otherwise might go unheard. It is about making the law more just and more fair, especially for those who need its protections the most.

Frannie and I have a personal responsibility to carry on the Wellstones' legacy. We all do. And you know what, I think Paul and Sheila would be proud of what we are doing here today. We are on the verge of reauthorizing the Violence Against Women Act.

Paul and Sheila were extraordinary people. An unlikely couple, Sheila was born in Kentucky to Southern Baptist

parents. Paul was born here in Washington, the son of Russian-Jewish immigrants. But love and fate—they work in mysterious ways—brought Paul and Sheila together.

Sheila's family moved to Washington, where she and Paul became high school sweethearts. Paul went to North Carolina for college, and Sheila went back to Kentucky. But a freshman year apart was more than they could bear. Sheila moved to North Carolina to be with Paul. They got married. A year later they were proud parents. They eventually would have two more children. The Wellstones were a big happy family.

After Paul earned his Ph.D. in political science, the Wellstones moved to Minnesota, where Paul had a successful teaching career at Carleton College. Sheila, meanwhile, worked two jobs: She was a full-time mother and a part-time library aide.

A happy family life in Minnesota would have been enough for most people but not for Paul and Sheila. Their compassion knew no limits. They wanted to make the world a better place for others, and they set out to do just that. Paul ran for public office. He and Sheila worked as a team during Paul's Senate campaign, as they did in all aspects of their lives. Paul's opponent outspent him by a large margin, but what Paul and Sheila lacked in resources they made up for in grassroots support, a tireless work ethic, and an unparalleled commitment to the people of Minnesota, and also quite a bit of charm. Improbable as it must have seemed at the outset, Paul won. He was elected to the Senate in 1990. So the Wellstones went to Washington, the city where they first fell in love.

At the time, Sheila was not really a public figure—at least she did not view herself as such. In fact, Sheila was a bit shy, and she avoided public speaking when she could. But Sheila started spending time at women's shelters in Minnesota and elsewhere, listening to painful stories about domestic violence and assault. She realized there were a lot of women across the country who needed a voice, who needed someone to speak up for them. Sheila set out to become that person.

Here is what she said:

> I have chosen to focus on domestic violence because I find it appalling that a woman's home can be the most dangerous, the most violent, and, in fact, the most deadly place for her. And if she is a mother, it is dangerous for her children. It is time that we tell the secret. It is time that we all come together to work toward ending the violence.

Sheila matched her words with action. She became a champion for survivors of domestic violence in Minnesota and throughout the country. Each year, she hosted an event in the Capitol to raise awareness about that issue. That annual event continues to this day. And as I said, Sheila and Paul were a team, so Sheila worked very closely with Paul to champion the Violence Against Women Act, a landmark Federal law that affirmed our Nation's commitment to women's safety.

Signed into law in 1994, VAWA increased the number of beds and shelters that were available to women who needed refuge. It provided critical support to law enforcement officers and prosecutors so they could respond more effectively to incidents of domestic violence. It funded support services and crisis centers for victims. And perhaps most importantly, VAWA sent a message: Domestic violence no longer will be tolerated in America. Since VAWA was enacted, incidents of domestic violence have been reduced significantly. VAWA has improved lives. It has saved lives. It is part of the Wellstones' proud legacy.

VAWA is part of this institution's legacy too. When it comes to violence against women, Members of the Senate always have been able to come together. VAWA has been reauthorized twice. Both times it had unanimous support in the Senate—unanimous support. The VAWA reauthorization bill we are considering today is in keeping with VAWA's bipartisan tradition. Its 61 cosponsors come from across the country and across the aisle.

I am grateful to Senators LEAHY and CRAPO for their leadership on this bill.

The VAWA Reauthorization Act renews our national commitment to prevent responsive incidents of sexual assault, a heinous crime that remains all too common in America, even while domestic violence is becoming less common.

The VAWA Reauthorization Act addresses the alarming rates of violence against women in Indian Country by giving tribes jurisdiction to prosecute acts of domestic violence in their communities. The VAWA Reauthorization Act cuts redtape and spending by consolidating grant programs and improving accountability measures.

This is a good bill, and I am proud to support it. I am also proud to have written two of its provisions. I thank Chairman LEAHY for inviting me to do so and for including those provisions in the final bill.

First, the VAWA reauthorization bill includes the provision from the Justice for Survivors of Sexual Assault Act, one of the first bills I wrote after being sworn into the Senate. When this bill becomes law, survivors of sexual assault never again will suffer the indignity of paying for forensic medical exams. VAWA provides State and local governments with funding to administer these exams, which also are known as rape kits, and are used to collect evidence in sexual assault cases. The problem is that under current law, grant recipients can charge the survivor for the upfront cost of administering the exam, leaving the survivor to seek reimbursement later. Too often survivors are not reimbursed. They get lost in the maze of paperwork or are left high and dry when funds run out.

Can you imagine if we required crime victims to pay for the police to gather evidence such as fingerprints from a crime scene? Of course not. We should not require victims of sexual assault to pay for rape kits. This isn't a partisan issue; it is common sense.

I am grateful to Senator CHARLES GRASSLEY, the Judiciary Committee's ranking member, for his ongoing support for this bill. He was an original cosponsor when I introduced it in 2009 and when I reintroduced it last year.

Survivors of sexual violence have endured enough already. They should not have to pay for rape kits. They will not have to once this bill becomes law.

The VAWA reauthorization bill also includes the Housing Rights for Victims of Domestic and Sexual Violence Act, legislation that I introduced with Senators COLLINS and MIKULSKI last fall. This bill will help women stay in their homes when they are most vulnerable, when they need a roof over their heads the most.

The link between violence and homelessness is undeniable. By one account, nearly 40 percent of women who experience domestic violence will become homeless at some point in their lives—nearly 40 percent. Once a woman becomes homeless, she becomes even more vulnerable to physical or sexual abuse.

In my State nearly one in three homeless women is fleeing domestic violence, and half of those women have children with them. That is not the world that Sheila Wellstone envisioned. Nobody should have to choose between safety and shelter. While the link between violence and homelessness is undeniable, it is not unbreakable. We need shelters and transitional housing programs for women who are fleeing danger. The VAWA reauthorization bill provides continued support for those programs.

There is also much we can do to prevent women from becoming homeless in the first place, such as housing rights legislation, which will make it unlawful to evict from federally subsidized housing a woman just because she is a victim of domestic violence, dating violence, sexual assault, or stalking. This bill is for every woman who has hesitated to call the police to enforce a protective order because she was afraid she would be evicted from her home if she did so.

I am grateful to the many wonderful organizations that have worked with me on this bill. They include women's victims advocacy groups such as the Minnesota Coalition Against Sexual Assault, the MNCASA, and the Minnesota Domestic Abuse Project. They include tenant advocacy groups such as the National Low-Income Housing Coalition. They include the Legal Aid Society, Minnesota Legal Assistance, and they include leaders of the housing industry too. In fact, I recently received a letter from the National Association of Realtors, the Institute for Real Estate Management, and other housing industry representatives expressing their support for this bill.

They wrote that they ''believe that preserving housing for victims of domestic violence, dating violence, sexual assault, and stalking is critically important.''

I could not agree more. That is exactly what this bill does.

Sheila Wellstone isn't with us today. Sheila and Paul and their daughter Marcia were tragically taken from us too soon. But Sheila's example is with us, her legacy is with us, and her words are with us. I would like to close with those. Here is what Sheila said:

We really have to look at the values that guide us. We have to work toward the ethic that expects every individual to be physically and emotionally safe. No one, regardless of age, color, gender, background, any other factor, deserves to be physically or emotionally unsafe. In a just society, we pledge to act together to ensure that each individual is safe from harm. In a just society, I think we have to say this over and over and over: We are not going to tolerate the violence.

Madam President, the VAWA reauthorization bill is another step toward a more just society, as Sheila was describing. I look forward to it becoming law.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Madam President, I rise today with the surest conviction that this body—united as a group of Democrats and Republicans—can and will vote to ensure the women and children of this country are free from domestic abuse. I believe that opposing the bill before us would defy every ounce of common sense I have in my body.

I am a proud sponsor of the Violence Against Women Act, as are most of my colleagues in this body, because it is unfathomable that any individual could oppose efforts to ensure women and children are free from violence.

The bill we are currently considering would reauthorize several essential grant programs that have made a tremendous difference in my State of West Virginia and across this Nation. Here is what I have heard from the West Virginia Coalition Against Domestic Violence Team Coordinators Sue Julian and Tonia Thomas:

The Violence Against Women Act is the most critical piece of federal legislation affecting the safety of survivors of domestic violence and their children in every county of West Virginia. [The law] supports cost-effective responses to the pervasive and insidious crimes of domestic violence. VAWA funds innovative, successful programs that are at the core of our nation's response to domestic violence, sexual assault, dating violence and stalking. Action taken at the congressional level to end violence against women, children, and men echoes through the hills and hollows of the most remote communities in this state. Without VAWA, the collaborative efforts of law enforcement, prosecution, victim advocates, and judicial personnel would be fragmented, compartmentalized, and at worse counterproductive to each other. VAWA saves lives, changes communities, offers safety and creates channels of hope.

We know since it first passed in 1994, the Violence Against Women Act has reduced domestic violence by more than 50 percent through the critical programs it funds. Still, violence against women and children is a terrifying reality in this country.

Let me share with you some startling statistics that illustrate the scope of the problem.

According to the West Virginia Foundation for Rape Information and Services—our State's sexual assault coalition—one in six women in West Virginia will be a victim of attempted or completed rape.

According to the West Virginia Coalition Against Domestic Violence, on any given day, licensed domestic violence programs in West Virginia provide services to nearly 600 women, children, and men.

Every 7 minutes a call is made to a domestic violence hotline in West Virginia. One-third of homicides in West Virginia are related to domestic violence. More than two-thirds of women murdered in West Virginia are killed by a member of their family or their household.

In 2010, there were 11,174 investigations into domestic violence allegations in West Virginia, which required 272,450 hours of law enforcement involvement. This legislation is a fight on behalf of the women whose stories are contained in those numbers but whose lives are invaluable and more important than any statistic could ever hope to portray. No one can better speak to the importance of the Violence Against Women Act than the groups whose work each and every day is improved because of the programs supported by the law.

Growing up in a small community, as I did in Farmington, WV, in a loving family, violence against women and children was unfathomable. I would not even have thought it. The most beautiful people in my life were my mother, my grandmother, my sister, my aunts, and my cousins. They were the most beautiful people I could have hoped to grow up with. My grandmother—we call her Mama Kay—had been the glue to our family and kept it together, and she really kept the community together. She was a symbol of strength to whom others would turn for a place to stay or a hot meal in times of trouble.

We celebrated and admired the women who raised us and those around us. We thanked them and loved them and showed them appreciation and respect. So it is incomprehensible to me how anybody could make a decision to inflict physical pain on a woman or a child or even a man. Truly, life is tough enough without involving violence.

Once again, for each and every Member of the Senate who will cast a vote on this bill, the question comes down to this: What is it that we truly value? What are our priorities?

Ensuring that women and children have adequate protection against violence just makes common sense. To the people of West Virginia, I know this is the highest of priorities. Of course, these atrocities are not unique to my State. Nationally, domestic violence accounts for 22 percent of the violent crimes experienced by women and 3 percent of the violent crimes against men.

Approximately 37 percent of the women seeking injury-related treatment in hospital emergency rooms were there because of injuries inflicted by a current or former spouse or partner. In tough economic times—like those we are experiencing now—women are more likely to become a victim of domestic violence.

According to the National Network to End Domestic Violence, domestic violence is more than three times as likely to occur when couples are experiencing high levels of financial strain as when they are experiencing low levels of financial strain. Women whose male partners experienced two or more periods of unemployment over a 5-year study were almost three times as likely to be victims of intimate violence as were women whose partners had stable jobs.

Seventy-three percent of shelters attributed the rise in abuse to ''financial issues.'' ''Stress'' and ''job loss'' were also frequently cited as causing the increase of victims seeking shelter. It goes on and on.

All we are asking for is to make this a nonpartisan issue—come together as Americans, as Senators, not worrying about political differences. This is one bill that brings us all together for a common cause—a most decent cause—and something that is needed in America.

I urge the support of all of my colleagues. Please support this. Let's come back together as Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Madam President, I rise to join my colleagues in calling for passage of the Violence Against Women Reauthorization Act. I am disheartened that in the last several months petty, partisan gamesmanship has held up this legislation.

Since VAWA originally passed on a bipartisan basis in 1994, the annual incidence of domestic violence has decreased by 53 percent. Many victims are now reporting incidents of abuse rather than hiding in fear. Reports of abuse have increased by 51 percent. This law has transformed our criminal justice system and victim support services. The law has worked well because it encourages collaboration among law enforcement, health and housing professionals, and community organizations to help prevent and respond to intimate partner violence.

In one recent instance in my State, a man was on pretrial release after being charged with stalking his wife. Thanks to the STOP grants funding—which provide services and training for our officers and prosecutors—he was being

monitored. This individual was being electronically monitored and was caught violating the conditions of his release when he went to his estranged wife's home. The supervising officer was immediately notified of this violation and police officers found the man with the help of the GPS and arrested him in his estranged wife's driveway.

Thank goodness this woman was protected and this incident did not add another victim to the 73 deaths caused by domestic violence each year in North Carolina.

Unfortunately, though, the well-being of women in North Carolina and around the country hangs in the balance until we in Congress take action on this act.

Domestic violence also hurts our economy. It costs our health care system $8.3 billion each year. The reauthorization of this act streamlines crucial existing programs that protect women while recognizing the difficult fiscal decisions facing the Federal Government today. Thirteen existing programs would be consolidated to four, which will reduce administrative costs and avoid duplication. New accountability provisions will also require strict audits and enforcement mechanisms aimed at ensuring these funds are used wisely and efficiently.

In fact, title V of this bill includes one of my bills—the Violence Against Women Health Initiative. My bill provides vital training and education to help health care providers better identify the signs of domestic violence and sexual assault. It helps medical professionals assess violence and then refer patients to the appropriate victim services.

This training would have helped Yolanda Haywood, a woman who, as a young mother of three, found herself in an abusive marriage. Her husband abused her regularly and one night punched her in the face and split her lip, which sent her to the emergency room. She obviously needed stitches. As she sat on the examination table, the physician who was sewing her lip back asked: Who did this to you? Yolanda quietly said: My husband. The physician responded by telling her she needs to learn how to duck better.

Yolanda spent the next several years learning how to duck before finally leaving that abusive relationship. Empowered by her experience, she went to medical school and now teaches students at a prestigious university the importance of identifying and treating domestic violence and sexual assault, as well as working in an ER.

In a recent visit to a woman's domestic shelter in Charlotte, I met a counselor who shared this story with me. A young boy had just spent his first night at the shelter. The next morning the counselor was talking to him and he said he slept with both eyes shut last night. The counselor asked the young boy: Well, how do you usually sleep? He said: I usually sleep with one eye open and one eye closed because the last time I slept with both eyes closed my mommy and I both got hurt.

This is the kind of experience this bill will help with. It will protect women and children. For all the progress we have made combating violence against women, this must continue to be a priority. I urge each of my colleagues to support the reauthorization of the Violence Against Women Act because it literally saves lives in North Carolina and around the country, while ensuring a better future for our children.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

NATIONAL FLOOD INSURANCE PROGRAM

Mr. VITTER. Madam President, I rise to talk about another vital program we must reauthorize and continue before it expires; that is, the National Flood Insurance Program. Right now, that is due to completely expire at the end of May. So I wanted to bring this to everyone's attention, particularly that of the majority leader, so we take this up in time—as soon as possible—and put it in line absolutely as soon as possible so this can be extended and there will be no interruption.

This is an important program for the country. It provides vital flood insurance for millions of Americans. Many properties cannot have a real estate closing on them. They cannot be transferred without that important flood insurance. It is particularly important in my home State of Louisiana, where the risks of flooding—coastal and otherwise—are even greater than the national average.

Unfortunately, we have been on a path the last few years of just barely hobbling along, using a bandaid approach to extend this necessary program just a little bit at a time. This got to its worst state in 2010, when we not only extended it just a little bit at a time, but we actually allowed it to lapse, to expire, for several days at a time on four different occasions, for a total of 53 days. What happened? Each of those times the program expired, many real estate closings—tens of thousands of real estate closings around the country—came to a screeching halt. They were cancelled. They were put off.

So here we are, in a very soft economy and trying to eke out of a real estate-led recession. Yet for no good reason—because of our inability to, frankly, get our act together and organize ourselves and extend this noncontroversial program—we had lapses in the program so that thousands of real estate closings were put off. That lapse occurred, as I said, in 2010, four different times, for a total of 53 days.

Since then, we have improved a little bit. We have extended the program for 6 months at a time under legislation I have introduced. But now we need to take the next step and not just continue to hobble along but have a full reauthorization, with important bipartisan reforms, of this National Flood Insurance Program.

There has been a lot of work done in that regard. The House of Representatives has done a complete reauthorization bill, and they adopted that bill by an overwhelming vote of 406 to 22 last July 2. So they have acted. They have done their part going back going almost 1 year ago—about 9 months ago. On the Senate side, we have made important bipartisan progress in the Banking Committee, which is the committee of jurisdiction. We have worked hard to put together a full 5-year reauthorization bill with reforms on a bipartisan process.

As ranking member of the relevant subcommittee, I have put a lot of work into this with many others, including my subcommittee chairman JON TESTER. We reported that bill through the entire committee. It got a strong report out of committee and is ready for action on the Senate floor. So now we need to take that next step. We need to get it on the Senate floor, pass it through, and reconcile it with the House bill.

There are no major substantive obstacles. This is a true bipartisan effort. We have worked well together and through a number of issues. The only issue is getting time on the Senate floor and moving this forward so we can do this full-scale, 5-year reauthorization before the program expires this May 31.

Again, I just come to the floor to urge all of us, and in particular the majority leader who sets the schedule, to schedule this, to find that time, to put it in line as soon as possible. We are now on the Violence Against Women Act, which we support being on. I believe next we are moving to student loans. I have no problem with that. But let's put this important measure in line right after that, as soon as possible, so we can take it up and accomplish this task well before the May 31 deadline.

We can get this done. As I said, there are few, if any, substantive hurdles. We can get this done. We can produce a long-term reauthorization, we can produce good reforms in that bill, as we have in the Senate committee bill and as the House has. We just need to move it through the process. I certainly commit to everyone, starting with the majority leader, that if we get that minimal amount of time on the Senate floor, we will certainly work to have that process run as smoothly and as quickly as possible. I have worked with Senator TESTER in that regard, toward that end, and we will continue to work through the remaining Senate proceedings.

Finally, in support of this plea, I have a letter, dated February 13 of this year, addressed to the majority and minority leaders from a long list of Senators, both parties, urging that we take this action, urging that we schedule this for the Senate floor absolutely as soon as possible so we can get this job

done. As I said, this letter was dated February 13. Obviously, a few months have passed since then and the clock is ticking and that clock runs out on May 31.

Again, I urge us, particularly the majority leader, to please put this necessary and important and bipartisan legislation in line for floor consideration as soon as possible. We can get this done. We can get this done by the current deadline. We can get this done for the good of the American people and on a bipartisan basis and I urge us all to work toward that end, as JON TESTER and I have been doing and as the committee chair and ranking member have been doing. I certainly know the ranking member of the committee, Senator SHELBY, strongly supports this plea.

At this time, I ask unanimous consent to have printed in the RECORD the letter to which I have just referred.

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

U.S. SENATE,
Washington, DC, February 13, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR LEADERS REID AND MCCONNELL: As we begin the Second Session of the 112th Congress, we the undersigned urge you to bring legislation to the floor to provide for a long-term reauthorization and meaningful reform of the National Flood Insurance Program (NFIP) as expeditiously as possible in February or very soon thereafter.

The National Flood Insurance Program was first established in 1968, and has since that time been instrumental in protecting America's families, homes and businesses from financial ruin when flooding occurs. The program was last reauthorized in 2004. That reauthorization expired in 2008, and since then the program has been extended through a series of short-term measures. In fact, the program expired four times in 2010 resulting in lapses totaling 53 days. It has been estimated that those program lapses resulted in the delay or cancellation of more than 1,400 home closings per day, further damaging an already fragile housing market.

As you know, the House of Representatives passed its version of a long-term reauthorization on July 12, by an overwhelming vote of 406–22. The Senate Banking Committee has reported a committee print with overwhelming bipartisan support which is currently awaiting floor action. This bill makes essential changes to the program in an attempt to protect taxpayers and restore its solvency. We sincerely believe that, with a concerted effort on the part of Senate and Banking Committee leadership, as well as interested Senators, the bill can be brought to the floor of the Senate, debated and passed as soon as possible in order to ensure this process is completed before the NFIP expires at the end of May.

The Senate should take this opportunity to capitalize on the bipartisan efforts by both the Senate Banking Committee and the House of Representatives thus far to make major improvements to this important program. We believe that passage of a comprehensive, bipartisan flood reauthorization bill is within reach, and we respectfully urge you to schedule such a debate.

Sincerely,

Senator Jon Tester, Senator David Vitter, Senator Ben Nelson, Senator Kay Hagan, Senator Daniel Akaka, Senator Michael Bennet, Senator Thomas Carper, Senator Amy Klobuchar, Senator Jeff Merkley, Senator Mark Warner, Senator Herb Kohl, Senator Mike Crapo, Senator Scott Brown, Senator Johnny Isakson, Senator Mike Johanns, Senator John Boozman, Senator Bob Corker, Senator Saxby Chambliss, Senator Pat Roberts, Senator Susan Collins.

Senator Joseph Lieberman, Senator Robert Menendez, Senator Richard Blumenthal, Senator John Kerry, Senator Daniel Inouye, Senator Bernard Sanders, Senator Jeanne Shaheen, Senator Sherrod Brown, Senator Al Franken, Senator Christopher Coons, Senator Daniel Coats, Senator Jerry Moran, Senator Lamar Alexander, Senator Olympia Snowe, Senator James Inhofe, Senator Jack Reed, Senator Claire McCaskill, Senator Patrick Leahy, Senator Sheldon Whitehouse, Senator Mark Begich, Senator Richard Burr.

Mr. VITTER. Again, I hope we all come together in plenty of time to take care of this important business. I bring it up now, well before the deadline, because the clock is ticking. A Senate bill would have to be reconciled with the House. We need to get floor time absolutely as soon as possible and I look forward to that happening and I look forward to working with Senator TESTER and others on the Senate floor.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise, as do my Democratic colleagues and quite a few of my Republican colleagues, in support of the Violence Against Women Act.

My remarks will extend beyond the time we have left, so I will ask the Chair to advise me when 2 minutes have passed, and I will try to conclude over a 3-minute timeframe so other colleagues can speak on this very important piece of legislation.

The PRESIDING OFFICER. The Chair will so advise.

Mr. UDALL of Colorado. Mr. President, the Violence Against Women Act—known as VAWA—has been in effect for 18 years and it has saved lives and strengthened families all over the country. I speak as a Coloradoan, and I will cite statistics that will point to the concrete effects the Violence Against Women Act has had in my State.

This was a landmark piece of legislation and it changed the way we think about and respond to domestic violence. It has made a difference in the lives of literally millions of women all over the country by bringing the perpetrators of domestic violence, sexual assault, and child abuse to justice. It has made a difference by providing safe and secure support services to victims of crimes. It has established a National Domestic Violence Hotline and so much more. It is little wonder such a commonsense and far-reaching concept in legislation has found support from Members of both sides of the aisle.

I mentioned Colorado. Let me cite some numbers. In 2010 alone, 60,000 victims of domestic violence contacted State crisis hotlines seeking help. The funding that VAWA provides not only gives our law enforcement beefed up resources and tools for catching and then prosecuting perpetrators, but it also supports critical services for victims and survivors.

The PRESIDING OFFICER. The Senator has used 2 minutes.

Mr. UDALL of Colorado. I thank the Chair.

These resources have literally saved the lives of women from Durango to Craig and from Pueblo to Denver, and I wish to commend all the important organizations in my State that make it all possible.

The great news is that today—right now—we have the opportunity to make this an even better piece of legislation.

This reauthorization builds upon and strengthens the current act, expanding access to the resources so many victims desperately need. It also contains important reforms that will increase accountability in the use of VAWA resources, ensuring these federal dollars are going to serve the victims who need them most. Taxpayers demand that we spend their monies wisely especially during tough economic times and this VAWA bill meets that high standard they expect of us.

Moreover, it is worth noting this bill makes college campuses safer by requiring that schools develop comprehensive plans to combat and prevent crimes against women.

It also takes the imperative step of strengthening the Federal Government's response to domestic and dating violence on tribal lands, which has climbed to near epidemic levels across the country.

Furthermore, it increases protections and outreach for LGBT victims, because the right to live free from domestic violence should not depend on gender identity or sexual orientation.

The most recent reauthorization of the Violence Against Women Act expired in September of last year. The bottom line is that it is past time to get this done. The legislation before us today has 61 cosponsors, is broadly bipartisan, and has the support of countless women and men around the country.

I believe there is an alternative version of this bill that may come before us for a vote as well. I know this is an election year, and the increasingly partisan climate in Congress has made it tempting to take truly bipartisan legislation such as this and inject division into the debate. But the issues addressed by VAWA are not partisan to the people back in Colorado and around the country. So let is resist that path.

The bipartisan legislation drafted by Senator LEAHY and Senator CRAPO is the only bill that truly provides the resources necessary in the most effective way to help end violence against women.

I know my colleagues in the Senate share my commitment to reaching this goal, so I am glad this bipartisan bill is finally receiving a vote.

When I served in the House of Representatives, I worked with a bipartisan group of colleagues to reauthorize VAWA both in 2000 and 2006, so I know we can come together and pass this reauthorization as well.

We all agree that violence against women is unacceptable. This is a necessary and carefully constructed bill that will protect the lives of women in Colorado and throughout the country.

In concluding, we all agree violence against women is flatout unacceptable, and this is a necessary and carefully constructed bill that will protect the lives of women in Colorado and throughout the country. So let's come together in the Senate, put aside our differences, and pass what is a strong and important bipartisan bill. The families and the communities of my State and our country are counting on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I too rise today to discuss the incredible importance of the Violence Against Women Act.

For nearly 18 years, the Violence Against Women Act has been the centerpiece of our Nation's commitment to end domestic violence, dating violence, and sexual violence. Congress authorized the Violence Against Women Act in 2000 and again in 2005 with overwhelming bipartisan support.

I am a longtime champion of the prevention of domestic violence because I have seen the impact of this abuse firsthand in Idaho. The act provides critical services to victims of violent crime as well as agencies and organizations that provide important aid to those victims.

The Violence Against Women Act has been called by the American Bar Association ''the single most effective federal effort to respond to the epidemic of domestic violence, dating violence, sexual assault and stalking in our country.''

This legislation provides access to legal and social services for survivors. It provides training to law enforcement, prosecutors, judges, attorneys, and advocates to address these crimes in our Nation's communities. It provides intervention for those who have witnessed abuse and are more likely to be involved in this type of violence. It provides shelter and resources for victims who have nowhere else to turn, who are literally victims in their own homes.

There is significant evidence that these programs are working. In Idaho, the number of high school students reporting that they have experienced violence by a dating partner has dropped since the Center for Healthy Teen Relationships began its work in 2006. The U.S. Department of Justice reported that the number of women killed by an intimate partner decreased by 35 percent between 1993 and 2008.

The legislation is working and our collective efforts across this country to respond to this epidemic are working, but our fight against domestic violence is far from over. Last year in my State 22 people were killed by a domestic partner. Approximately one in three adolescent girls in the United States is a victim of physical, emotional, or verbal abuse from a dating partner. Nearly 1 in 10 high school students Nationwide was hit, slapped, or physically hurt on purpose by their boyfriend or girlfriend.

Future tragedies of the kinds we have seen in Idaho and across this country have to be prevented. And while we may not all agree on the specifics of this reauthorization, all of us agree on one very important aspect; that is, we must end domestic violence, dating violence, sexual assault, and stalking in the United States.

No bill is ever perfect. As we go through the process of working through this bill on the floor, we will see amendments brought seeking to perfect and improve it. I will support some of those amendments, others will support some of those amendments, and the bill will be addressed, as all bills should be, on the floor of the Senate. But when we are done and the debate is over and the voting on the amendments is concluded, I urge all my colleagues to join me in supporting the reauthorization of this critical program. We must continue the life-changing work this legislation helps us accomplish.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, as we speak, the Alaska Network on Domestic Violence and Sexual Assault's 24-hour hotline that allows folks to seek assistance—their numbers are ringing. This evening, 363 Alaskans will spend the night in an emergency domestic violence shelter or in transitional housing provided by an Alaskan domestic violence program, programs such as the Lee Shore Center in Kenai, the Safe Shelter in Dillingham, the WISH shelter in Ketchikan, and the AWAIC shelter in Anchorage. The number of Alaskans seeking shelter is rising on the order of over 5 percent per year. These programs and the Alaskans who benefit from them are all supported by the Violence Against Women Act.

As we debate and deliberate on the reauthorization of VAWA, the Violence Against Women Act, we express our respect for the volunteers and the professionals who support and who constantly advocate on behalf of these victims. These are Alaskans such as Peggy Brown and Katie TePas, who lead the effort across my State, and others like them throughout Alaskan communities. It is important that as we again reauthorize the Violence Against Women Act, we do so as a tangible display of our support for their very important work.

Let me share some statistics with you, as others have shared from their respective States. In Alaska, somewhere between 25 and 40 percent of all domestic violence assaults are witnessed by children. On a national scale, more than 90 percent of abusers are people whom children know, love, and trust.

I come to the floor today to express my support for the Leahy bill, S. 1925. I have proudly cosponsored this effort and came on very early in the effort. It is the product of literally thousands of hours of work by domestic violence advocates and dedicated Senate staff members. I do believe it represents a real improvement in the services that are offered to victims even in a difficult budget environment. I would like to give a few illustrations.

Back in 2010, there were more than 800 Alaskans who sought pro bono legal assistance from the Alaska Legal Services Corporation and the Alaska Network on Domestic Violence and Sexual Assault. A little over 500 of these victims could be served. Another 300 had to be turned away due to the lack of resources—turning people away who are victims because we don't have the resources to provide the help. This bill establishes a new pro bono legal program within VAWA to ensure that victims of domestic violence have access to lawyers.

Back in 2011, 12 percent of Alaska high school students reported they were hit, slapped, or physically hurt on purpose by their boyfriend or their girlfriend, and 9 percent reported they had been physically forced to have sexual intercourse when they did not want it. This bill focuses resources on the protection of our young people—and rightfully so—because 70 percent of all reported sexual crimes in the United States involve children. This legislation devotes needed resources to protect our children, and it also devotes increasing resources to protect our elders, who are increasingly victims of sexual assault and domestic violence—again, a side that most people don't want to acknowledge or talk about, but our statistics cannot be denied.

In addition, S. 1925 sends a strong message to offenders that they will be held accountable. In the remote Native villages of Alaska, where the victims of domestic violence literally have no place to hide, reauthorization of VAWA will mean there will be more funds to hire village public safety officers who are first responders in the last frontier.

I would like to express my appreciation to the Judiciary Committee for including a provision I have requested concerning the Alaska Rural Justice and Law Enforcement Commission. The Rural Justice Commission is a joint Federal, State, and tribal planning body that was created by the late Senator Ted Stevens back in 2004 to coordinate the public safety efforts in our remote rural villages. It is in danger of shutting its doors at this point in time, and the legislation before us establishes the framework for the Rural Justice Commission to continue its very important work.

Last weekend there was a great deal of concern that arose particularly amongst Alaska tribes that the version of S. 1925 that came out of the Judiciary Committee diminished the ability of the Alaska tribes to issue domestic violence protection orders that would enjoy full faith and credit from the State of Alaska. The concern we had was the result of an inadvertent technical drafting error that expanded certain tribal powers within Indian Country, but it appeared to repeal other existing tribal powers that are currently held by Alaska tribes. Our State has very little Indian Country. We do not have reservations, with the small exception of one reservation down in southeastern Alaska. So for the past couple days, I have been working, along with Senator BEGICH, to address this issue and have worked on a technical correction to address the concern in a way that ensures that Alaska tribes lose none of the jurisdiction or the authority they presently have to issue and to enforce their domestic violence protection orders.

It was just this morning that I received a copy of a letter from Ed Thomas, who is president of the Central Council Tlingit and Haida Tribes of the State, and he has come out clearly endorsing the amendment.

I would note that Senator LEAHY has included these technical corrections in the substitute amendment he intends to bring forward, and I would certainly urge that it be adopted.

As my colleague from Idaho just mentioned, there is a divergence of views within this Chamber on what the reauthorization of VAWA should say. It is important to point out that we are in agreement on the vast majority—well over 80 percent—of the provisions in S. 1925. The disagreement is in a few smaller areas. There are Senators whose ideas were not incorporated in the Leahy bill and who wish to be heard, and I think it is appropriate that they be heard.

Again, I would concur with my colleague, the Senator from Idaho, in stating that when the Violence Against Women Act was first initiated back in 1994, it was a bipartisan effort. It was a collaborative effort. The effort this year with the reauthorization should be no less. I have every confidence that this body will once again act in a bipartisan fashion to reauthorize this very critical piece of legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, 35 years ago I was a very young assistant prosecutor. There weren't any other women who were assistant prosecutors in Kansas City, and I got assigned a lot of cases that the men in the office used to jokingly call women's work, which meant that I got a lot of cases on welfare fraud and food stamp fraud. And then, as I spent more time in the office, I got sexual assaults and I got domestic violence.

I remember as if it were yesterday the feeling of helplessness as I sat across the desk from a woman who had been beaten to within an inch of her life, and I remember calling the police department and asking for help and them saying: You know, hon, let it go. Tell her to go home.

I remember her asking me: What do I do about my children? I have no money. I don't really want to prosecute him—I don't think he will leave me alone.

I remember not being able to sleep at night because I was so worried about the women who had really no place to go, no one to guide them through the terrifying journey the criminal justice system can be, much less the terrifying journey their lives were. That was 35 years ago.

When I ran for prosecutor in 1992, I said: I am going to start a domestic violence unit, because since then I had spent time working on the laws in Jefferson City, and I had also spent time on the board of a domestic violence shelter—one of the first in Kansas City—and then I became prosecutor, and we started a domestic violence unit.

The police department still pushed back and said: These aren't real crimes. If the victim doesn't want to testify, we have no evidence to go forward.

And I said to them: Wait a minute. We go forward on homicides when the victims can't testify. We should build these cases around the facts and circumstances regardless of the mental state of the victim.

I remember feeling so helpless that we had no resources. And then I remember, as the Jackson County prosecutor in Kansas City, when the Violence Against Women Act passed. I remember reviewing our grant application for the victim advocate in our office, and I remember all of a sudden thinking, you know, we are going to turn the corner.

Is it still a huge problem? Yes. But if you were there 35 years ago on the front lines and you knew the progress we have made to date, you wouldn't be voting no in the Judiciary Committee on the reauthorization of the Violence Against Women Act. You wouldn't be doing that.

So let's move forward. Let's make sure the victim advocates who arrive on the scene as a result of this important piece of legislation—let's make sure they stay on the job. Let's make sure there are not any young prosecutors today who are going home sleepless, much less victims who look at someone who claims they love them, claims they are their protector, but at the same time knowing that person is capable of taking their life. Let's make sure those women have someplace to turn to, their children have someplace to turn to. Let's reauthorize this act today and make sure all the women out there have that help and assistance they need in their time of need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, it is a shame it has taken so long to get to this point, but I am very glad to see we are close to having this body move forward on this legislation.

The Violence Against Women Act has helped provide lifesaving assistance to hundreds and thousands of women and families, and it was certainly a no-brainer to make sure that all women had access to that assistance. I was proud to have been here serving in the Senate in 1994 when we first passed VAWA. Along with its bipartisan support, it received praise from law enforcement officers, prosecutors, judges, victims, service providers, faith leaders, health professionals, advocates, and survivors. It obtained that broad support because it has worked.

Since it became law 18 years ago, domestic violence has decreased by 53 percent. We have made a lot of progress since 1994, and I am glad we are continuing on that path today on behalf of all women. In fact, Deborah, is here with us today.

Deborah is the Vice Chairwoman of the Tulalip Tribe in my home State of Washington.

Yesterday she joined Senators BOXER, KLOBUCHAR and me to tell her emotional story about the devastating effects violence can have on women—especially Native women.

Deborah was repeatedly abused, starting at a very young age, by a non-tribal man who lived on her reservation. Not until after the abuse stopped around the 4th grade did Deborah realize she wasn't the only child suffering at the hands of her assailant—at least a dozen other young girls had fallen victim to this man.

This is a man who was never arrested for these crimes; never brought to justice; and still walks free today. All because he committed these heinous acts on the reservation—and as someone who is not a member of a tribe, it is an unfortunate reality that he is unlikely to be held liable for his crimes.

The debate we had over the provisions in this legislation was a matter of fairness.

Deborah's experience—and the experience of the other victims of this man—does not represent an isolated incident.

In fact 34 percent of Native Women will be raped; 39 percent of Native Women will be subjected to domestic violence; and 56 percent of Native Women will marry a non-Indian who most likely would not be held liable for any violent crimes committed if these protections hadn't been included in this legislation.

Where people live and who they marry should not determine whether or not perpetrators of domestic violence are brought to justice.

With this bill today, we are taking a major step to uphold our government's promise to protect its citizens.

This bill builds on what works in the current law, improves what doesn't, and it continues on the path of reducing violence toward women.

It certainly should not have been controversial.

It is time for us to come together and support this bill so women and families across America can get the resources and support they need.

I particularly want to thank the courageous work of this wonderful tribal woman to help explain to all of us why the bill we have put before the Senate is so critical today.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I ask unanimous consent the committee-reported substitute be withdrawn, that a Leahy substitute amendment which is at the desk be made pending, and the only amendments in order to the Leahy substitute or the underlying bill be the following: Klobuchar No. 2094, Cornyn No. 2086, and Hutchison No. 2095; that there be 60 minutes of debate equally divided between the two leaders or their designees for consideration of the amendments and the bill; that there be no amendment in order to any of these amendments; that there be no motions or points of order to the amendments or the bill other than budget points of order or the applicable motions to waive; that the amendments be subject to a 60-affirmative vote threshold; that upon disposition of the three amendments, the Leahy substitute amendment, as amended, if amended, be agreed to and the Senate proceed to vote on passage of the bill, as amended; that all after the first vote be 10-minute votes and there be 2 minutes equally divided between the two votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I will briefly say—I know everyone is anxious to get to work—we have had some pretty good work in recent days. The postal bill was extremely difficult to get done. We had the highway bill; that was difficult to get done. Those are bipartisan in nature. It took a while to get through this matter that is before us, but now we are there. It is an effort on everyone's behalf. On my side, I am grateful for the work done by Senators PATTY MURRAY and PAT LEAHY and many others, but I am glad we are at the point where we are today.

Mr. MCCONNELL. Mr. President, I add I agree entirely with the remarks of the majority leader. This is the way the Senate ought to operate—on both these bills, both the postal bill, which was challenging for everyone to get through, and the Violence Against Women Act, on which there is broad, probably unanimous agreement. In fact, the last time it passed the Senate it did pass on a voice vote. We are proceeding to handle it in a way entirely consistent with the Senate's past and procedures, with some amendments but limited debate time on each of them. We will be able to finish this bill today.

I commend Senator HUTCHISON and others on our side who have been deeply involved in this—Senator CORNYN—in bringing us to the place we are now.

AMENDMENT NO. 2093

The PRESIDING OFFICER. The clerk will report the substitute.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEAHY, proposes an amendment numbered 2093.

(The text of the amendment is printed in today's RECORD under ''Text of amendments.'')

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I note my colleague from New Jersey was also standing. I have about 5 minutes of remarks. Did the Senator from New Jersey wish also to speak?

Mr. LAUTENBERG. I plan to, but I will defer, if the Senator is in a rush.

Mr. KYL. I appreciate that very much and I perhaps will ask unanimous consent the Senator from New Jersey follow my remarks?

Mr. LEAHY. Mr. President, reserving the right to object—I will not object—and I know we will be getting back onto this matter and I will be seeking time, I certainly do not object to my two friends taking time now.

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

Mr. KYL. Mr. President, I support reauthorization of the Violence Against Women Act. Throughout my career, I have worked on a number of crime victims' rights measures that, taken together, provide the mosaic of protections for all crime victims.

As a member of the House of Representatives, I cosponsored the Sexual Assault Prevention Act—SAPA—which was incorporated into the Omnibus Crime Control Act signed into law by President Clinton in 1994. Among a number of reforms, SAPA increased penalties for stalking and sexual assault, and it changed the Federal Rules of Evidence to allow admission of prior sexual offenses in sexual assault cases. In 1997, I successfully petitioned the Arizona Supreme Court to adopt this change to Arizona's rules of evidence.

In 2004, I co-authored the Crime Victims' Rights Act with Senator FEINSTEIN. This legislation included a bill of rights for victims of Federal crimes, including the right to be informed, present, and heard at critical stages of the proceedings. That bill was signed into law by President Bush.

I also supported the 2005 reauthorization of the Violence Against Women Act, which included a section Senator CORNYN and I wrote that expanded the Federal DNA collection program.

Today, I am pleased to support the Hutchison/Grassley bill reauthorizing the Violence Against Women Act. I regret that there are competing versions of reauthorization, especially since I believe that virtually all of us support the current law.

I cannot, however, vote for the Leahy version for a number of reasons. First, a new section, 904, is blatantly unconstitutional. This new section would give Indian tribes criminal jurisdiction to arrest, prosecute, and imprison non-Indians under tribal law for certain domestic-violence offenses.

Adding this language to the existing law violates basic principles of equal protection and due process. All tribes require either Indian ancestry or a specific quantum of Indian blood in order to be a tribal member. Even a person who has lived his entire life on the reservation cannot be a tribal member if he does not have Indian blood. Such a person, no matter how long he has lived in the area, cannot vote in tribal elections and would have no say in crafting the laws that would be applied against him by section 904.

Section 904 breaks with 200 years of American legal tradition that tribes cannot exercise criminal jurisdiction over non-Indians. By doing so, it creates a clear violation of the Constitution's equal protection and due process guarantees.

I also take issue with the new Section 905 of the Leahy bill, which would allow Indian tribes to issue ''exclusion orders'' barring non-Indians from lands within the tribes' ''Indian country.'' ''Indian country'' is a term of art in Federal Indian law. It is meant to include lands that were allotted and sold to non-Indians, or allotted to Indians who later sold the land to non-Indians, but that are within the exterior boundaries of a historic Indian reservation. Many non-Indian families have lived on such lands for generations. Other such residents include people with Indian blood, but who have been expelled from membership in the tribe for various reasons. Section 905 would literally allow the tribes to issue orders that bar these individuals from entering their own land, land which they own in fee simple absolute.

The primary rationale for these proposed additions to VAWA was to provide protection for tribal members. The Hutchison/Grassley alternative does that by replacing the unconstitutional provisions of the Leahy bill with an authorization for tribes to seek protection orders to prevent domestic violence, issued directly by a Federal court, upon a showing that the target of the order has assaulted an Indian spouse or girlfriend, or a child in the custody or care of such person, and that a protection order is reasonably necessary to protect the well-being of the victim. Violations of the order would be subject to criminal prosecution in Federal court.

While punishing an offender for any underlying crime is important, preventing harm is critical; and it is often easier to prosecute violations of the terms of a protection order. For example, parties who are not in a romantic relationship with the defendant typically will be available to testify that the defendant entered areas from which

he is excluded under the order. Protection orders, thus, tend to provide an effective means for preventing acts of domestic violence. And because orders would be issued by a Federal court, we can be reasonably certain that such orders will comply with basic principles of due process and will be enforced.

The Hutchison/Grassley reauthorization of the Violence Against Women Act contains other improvements on the Leahy version, and I urge its adoption.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, on this floor we talk a lot about the critical importance of family. I frequently speak about my family, my 10 grandchildren and 4 children, who are the foundation and inspiration for everything I do. But for some Americans, the family is instead a source of fear.

Domestic violence wreaks havoc in our homes and our communities across the country. The statistics are shocking. Every year 12 million women and men in our country are victims of rape, physical violence, and stalking. The numbers are shocking. They represent a national tragedy. But these are not just numbers, they are lives. In 2010, 38 of New Jersey's domestic violence incidents ended in death. I have visited women's shelters in New Jersey, and I have seen fear in the faces of women holding their children. It takes a lot of courage for a woman to stand up and leave her abuser. As a society, we have to be able to tell these women they will have a safe place to go, they will have resources to help them, and they will see justice for their abuser.

Today we are debating legislation to reauthorize the Violence Against Women Act, which for almost 18 years has provided women with support programs they need to escape abusive situations. Make no mistake, VAWA is working for women. Since its passage, occurrences of domestic violence have decreased by more than 50 percent. But despite this incredible progress, these horrible acts continue.

In fact, our progress should inspire us to work harder. Domestic violence programs in our communities are on the front line, and they are starved for resources. More than one-third of New Jersey's domestic violence programs report not having enough funding to provide needed services, and approximately one-quarter report not having enough beds available for women and children trying to escape violent situations. Since 2006, more than 40 programs in New Jersey alone have received almost $30 million in funding through the Violence Against Women Act.

Let me be clear. It would be tragic to turn our backs on victims and the people who dedicate their lives to supporting them. While we cannot stop all malicious acts, we can do more to keep women and their families safe.

In 1996, I wrote the domestic violence gun ban, which forbids anyone convicted of domestic violence from getting a gun. Since the law's inception, we have kept guns from falling into violent hands on over 200,000 occasions. For instance, our gun laws allow domestic abusers to sidestep the ban on getting a gun. The loophole allows a convicted abuser to walk into a gun show and walk out with a gun, no questions asked. That is because background checks are not required for private sellers at gun shows.

Since 1999, I have introduced legislation to close the gun show loophole and keep guns from falling into the wrong hands, and it passed in the Senate with the vote of the Vice President to break the tie. Thirteen years later, this gap in our law remains in place, and people can go to the gun show, walk up to an unlicensed dealer, put the money down, and walk out with a gun. It is an outrage. If we want to protect victims from domestic abuse, we ought to commit ourselves to closing the gun show loophole for the safety of women, their families, and other victims of abuse. Saving the lives of women should be above politics.

The Violence Against Women Reauthorization Act passed the Senate unanimously in 2000 and 2005, and it is incomprehensible that we would turn our back on those who are so abused. I ask those who would vote against passing this bill to think about their own families, think about their spouses, think about their daughters, think about their children.

Every Republican in the committee voted against reauthorizing the VAWA in committee. Every one of them voted against the bill that primarily protects women. They walked away.

Today they have taken a different approach. They presented an amendment, and it is a sham. It actually removes the word ''women'' from a key part of the bill. It also fails to protect some of our most vulnerable victims. Apparently, some of our colleagues would vote against protecting women if it means they also have to protect immigrants and people in the gay and lesbian community.

I call on our colleagues on the other side of the aisle to join us and our families. We know they care. Show it. Show it in this vote we are about to take. Send a clear message that this country does not tolerate brutality against anyone, and show it with a little bit of courage. Stand and say: No, I want to protect my family, I want to protect those who are abused routinely in our society. That is the plea. I just hope each one of them will look at a picture of their kids and their families and say: I owe you that protection.

We worked hard here with the premise that we are protecting people, so let's show it.

Mr. NELSON of Florida. Mr. President, I am here today to speak in support of S. 1925, the Reauthorization of the Violence Against Women Act, and I want to thank Senator LEAHY and Senator CRAPO for their leadership on this important issue.

Originally passed in 1994, the Violence Against Women Act has improved the criminal justice system's ability to hold perpetrators accountable and protect victims of domestic violence. The Violence Against Women Act also provides important services to women who have been victims of domestic violence to help them get their lives back on track.

Now, the data tells us that the Violence Against Women's Act has been effective and is needed: In my State of Florida in 2010, according to the Florida Department of Law Enforcement, there were 113,378 reported domestic violence offenses. This includes domestic violence crimes of stalking, threats and intimidations, assaults, rapes, and murders. (SOURCE: Florida Department of Law Enforcement. (2011). Crime in Florida, 2010 Florida Uniform Crime Report. Tallahassee, FL: DLE.) Those reports resulted in 67,810 arrests. That's about 60%. Unfortunately, we may not ever fully know the full extent of domestic violence. Many victims do not report the abuse that they experience to the police or request domestic violence services out of fear and embarrassment.

Since 1994, studies estimate that reporting of domestic violence has increased as much as 51%. Across the Nation we are seeing more victims of domestic violence step out of the shadows, and come forward to ask for help. And we are seeing more prosecution of domestic violence perpetrators. And, this is a trend that we want to see continue.

So, Mr. President, I urge my colleagues to swiftly pass this important legislation.

I yield the floor.

Mr. WARNER. Mr. President, I rise to add my voice in support of the reauthorization of the Violence Against Women Act, of which I am proud to say I am a cosponsor.

In Virginia, this act has doubled the resources available for prevention and intervention of sexual violence in communities and on campus. The funding provides crisis services in nearly every locality in Virginia. Funds have helped develop State databases like the protective order registry in the Virginia Criminal Information Network, VCIN, and the I-CAN system housed with the Virginia Supreme Court. These databases have helped improve responses across the Commonwealth to sexual and domestic violence.

Some startling Virginia domestic and sexual violence incidence statistics highlight just how critical this legislation is to anyone in my State and across the country who may find themselves in need of help.

Virginia has seen a 12 percent increase over the past 2 years in the number of men, women and children staying in domestic violence emergency shelters on an average night.

Nearly 1 million women and more than 600,000 men in Virginia have experienced rape, physical violence, and/or stalking by an intimate partner.

According to the State's medical examiner, one in three homicides in Virginia is due to family or intimate partner violence.

As these statistics show, the services authorized through VAWA continue to be a necessity. It is important that we continue to support access to these vital services that will provide significant benefits to those most in need of assistance.

For the Violence Against Women Act to truly work as intended, we must have effective accountability. Particularly in times of tight budgets, it is important to ensure that taxpayer dollars are spent wisely. It is critically important that we continue to advance effective, comprehensive policies that will provide appropriate preventive and supportive services that many in my State, as well as across the country, will benefit from.

The accountability measures included in this bill are patterned after proposals offered by my Republican colleagues for other grant programs, and these accountability measures have been tailored to VAWA to make sure that funds are efficiently spent and effectively monitored.

The bill authorizes the Department of Justice's inspector general to audit grantees to prevent waste, fraud and abuse. It gives grantees a reasonable amount of time to correct any problems that were not solved during the audit process, but imposes severe penalties on grantees that refuse to address the problems identified by the inspector general.

Rather than Congress mandating a set number of audits, the Office of Inspector General will have the ability to set the appropriate number. This will give the experts in the inspector general's office the ability to more effectively perform important oversight. The Department of Justice has also taken significant steps to improve monitoring of VAWA grant awards by updating grant monitoring policies and incorporating accounting training for all grantees.

The bill has taken the important step of holding the Department of Justice accountable when using Federal funds to host or support conferences. These new accountability provisions are an integral piece in this process and a meaningful additional check to ensure the appropriate use of taxpayer dollars for these important programs.

I encourage my colleagues to join me in support of the reauthorization of the Violence Against Women Act.

Mr. KOHL. Mr. President, I am proud to rise today in support of the bipartisan Violence Against Women Reauthorization Act. I cosponsored the Violence Against Women Act (VAWA) when it was originally enacted in 1994, and have cosponsored every reauthorization since then. The Violence Against Women Act continues to be as important today as it was in 1994. The programs VAWA supports have gone a long way to help stop batterers in their tracks and provide victims with the support they need to recover and rebuild their lives. This reauthorizing legislation builds upon proven prevention and support strategies and includes new provisions to address the changing and still unmet needs of victims.

VAWA has been a success story over the past 18 years because it encourages communities to more effectively and efficiently respond to domestic violence. Working together, law enforcement, judges, domestic violence shelters, victim advocates, healthcare providers, and faith-based advocates are able to better prosecute abusers and protect and aid the women, men and children who find themselves in dangerous and potentially life threatening domestic relationships. Programs authorized by VAWA also provide victims with critical services, including transitional housing and legal assistance, and address the unique issues faced by elderly, rural, and disabled victims. No one should have to choose between staying in a harmful relationship and losing their home or job.

Yet, the Violence Against Women Reauthorization Act of 2011 makes needed reforms and changes that will strengthen and streamline existing programs, while also consolidating programs and reducing authorizations to recognize the difficult fiscal situation we face. The bill also incorporates new accountability provisions, to ensure that VAWA funds are used effectively and efficiently. Our bill implements cuts that will save $135 million each year.

As Chairman of the Subcommittee on Retirement and Aging, we have seen far too many instances of physical, mental, and financial abuse of our nation's seniors. So I thank Senator LEAHY for including provisions from my End Abuse in Later Life Act. Those provisions ensure that appropriate enforcement tools are available to combat sexual assault and domestic violence against the elderly, and that older victims receive victim services.

We commend Senator LEAHY for his work on this important, bipartisan bill. VAWA reauthorizations passed the Senate unanimously in 2000 and 2005, and I look forward to the long overdue passage of S. 1925 today.

Mr. WHITEHOUSE. Mr. President, I wish to speak in favor of the Violence Against Women Reauthorization Act, which I am proud to cosponsor. As attorney general of Rhode Island, I saw firsthand the good work that the Violence Against Women Act has done to protect victims of domestic violence, to provide crucial services to those who have been harmed, and to hold batterers accountable for their crimes. It is vital that we reauthorize this important law.

In Rhode Island and across the country, the Violence Against Women Act continues to support essential tools for preventing and responding to domestic violence. The Rhode Island Coalition Against Domestic Violence reports, for example, that we now have 23 transitional housing units in our State, helping victims of violence become safe and self-sufficient as they escape a batterer. VAWA's law enforcement and legal assistance programs have also proven essential, especially in light of difficult State and local budgets. VAWA supports seven law enforcement advocates in Rhode Island, who work in local police departments to provide immediate assistance to victims of domestic violence, sexual assault, and stalking. These and other VAWA programs have improved the criminal justice response to violence against women and ensured victims and their families the services they need.

The Violence Against Women Reauthorization Act builds on that record of success. It makes important updates to strengthen the law, while remaining cognizant of the challenging budget circumstances we face. The bill includes an increased focus on sexual assault prevention, enforcement, and services. It provides new measures to prevent homicides through programs to manage high-risk offenders. It also consolidates programs to reduce administrative costs and add efficiency. And it incorporates new accountability provisions to ensure that VAWA funds are used effectively and efficiently.

Senators LEAHY and CRAPO led a fair and open process in crafting this bill. They have carefully studied these issues, consulted with a great number of experts and stakeholders, and as a result have achieved a bill with 60 cosponsors in this body.

I would particularly like to thank Senators LEAHY and CRAPO for including in this bill a measure I authored to help prevent teen dating violence. Far too many teens suffer abuse at the hands of a dating partner. The Centers for Disease Control report that one in ten teenagers was hit or physically hurt on purpose by a boyfriend or girlfriend in the past year. The Saving Money and Reducing Tragedies through Prevention, or SMART Prevention Act, which I introduced last year and is included in this bill, will support innovative and effective programs to prevent this dangerous abuse.

At a subcommittee field hearing I chaired last year on strategies for protecting teens from dating violence, each of the expert witnesses testified that prevention programs can help address this serious problem. Ann Burke, a leading national advocate, explained that school-based teen dating violence prevention programs have proven effective in changing behaviors. For example, in 2 years following the passage of Rhode Island's Lindsay Ann Burke Act, named in memory of Ann's daughter, a victim of dating violence, the number of teenagers physically abused by a dating partner in our State decreased from 14 percent to 10.8 percent.

Prevention programs are most effective when part of a community approach. Kate Reilly, the executive director of the Start Strong Rhode Island

Project, testified that effective prevention programming should ''meet kids where they live and play.'' That requires involving parents, coaches, mentors, and community leaders—men and women—as well as innovative uses of technology and social media.

One group of children needs particular attention: those who have witnessed abuse in their home. Deborah DeBare, executive director of the Rhode Island Coalition Against Domestic Violence, explained at our hearing that ''growing up in a violent home may lead to higher risks of repeating the cycle of abuse as teens and young adults.'' By supporting robust services for children exposed to domestic violence, we can help to lift the emotional burden on children who witness their parents' violence and break the intergenerational cycle of violence.

The VAWA Reauthorization Act's SMART Prevention provisions build on Ann and Kate and Deb's insights. The bill supports educational programs warning young people about dating violence, as well as programs to train those with influence on youth. To save costs, the new program is consolidated with existing grant programs, including a program directed at children who have witnessed violence and abuse. Coordinating and focusing prevention resources will save money, and abuse that is prevented reduces the strain on our overburdened health, education, and criminal justice systems.

I again congratulate Senators LEAHY and CRAPO for their strong bipartisan leadership in helping us extend our longstanding bipartisan commitment to preventing domestic violence. I urge all of my colleagues to support reauthorizing the Violence Against Women Act, so that we can keep working toward a country that is free of this scourge.

Ms. SNOWE. Mr. President, I rise today in strong support of The Violence Against Women Act. This consequential measure reauthorizes a landmark federal law and, once the Senate has finished a free and open debate including a full range of amendments, we should pass this bill with a strong, bipartisan majority. Approving this measure offers the Senate an opportunity to demonstrate to the American people that we still have the capacity to meet the challenge of forging effective solutions to monumental matters affecting Americans in their daily lives.

For far too long, domestic violence has been an extremely serious and common crime that devastated families and silently took a great toll on our society. Decades ago, domestic violence went largely unreported, in part because the victim viewed the violence as personal, or because of they were afraid of retribution, or they were embarrassed and did not want family members, friends, or neighbors to know.

I well recall in 1990, when I was serving as the co-chair of the House Congressional Caucus on Women's Issues with Pat Schroeder, and Congress started to focus greater attention on these kinds of heinous transgressions and those who perpetrate them. Just as we fought vigorously for women's health equity, as well as economic security for women, the Caucus was a driving force for change in combating domestic violence, with then-Congresswoman Boxer taking a leadership role in authoring legislation, along with Connie Morella. As we were building legislative momentum in the House, then-Senator Joe Biden was shepherding this initiative through the Senate.

This culminated in the original Violence Against Women Act, enacted in 1994, a truly landmark piece of legislation. For the first time, Congress enacted legislation that sought to comprehensively address the problem of violence against women. We provided assistance to States to improve law enforcement and prosecution efforts, and funded shelters and services to help women and their families extricate themselves out of these violent and abusive situations and into safety.

Here we are, 18 years later, and yes, we can feel fortunate for the progress we have made on this critical issue. The evidence clearly bears this out.

According to the National Network to End Domestic Violence, reporting of domestic violence has increased as much as 51 percent. Reporting is an instrumental first step to ensuring that women receive the support they want, need, and deserve. As a result, hundreds of thousands of women have been helped through VAWA-supported programs such as hotlines, individual and court advocacy, emergency shelters, transitional housing and housing assistance. Furthermore, the annual incidence of domestic violence has fallen by more than 50 percent.

While women are the most frequent targets of domestic violence, children are also too often victims in these tragedies as well. For this reason, the best approach must be comprehensive in scope and the urgent necessity for action, such as early intervention, is paramount.

Earlier this month, researchers at Boston Children's Hospital and the Institute of Child Development at the University of Minnesota released a study—the first of its kind—that prospectively examined the effects of interpersonal trauma on children—particularly young children. On average, children exposed to such trauma had cognitive scores that were the equivalent of 7 IQ points fewer, with the most significant and enduring cognitive deficits appearing in children exposed to trauma between birth and 2 years of age. As study leader Dr. Michelle Bosquet Enlow observed, ''If we wait until children are identified by the school . . . a lot of the damage will have already been done.''

Well, I could not agree more, and that is why along with early intervention, we must also increase access to quality early childhood health and education programs. The challenge in 2012 is to understand and act upon the systemic, reverberative consequences of this violence.

Consider the reality that domestic violence does not merely occur at home. In fact, the one place where an abuser can be confident to find his victim is at work. In a survey conducted by the Maine Department of Labor, 74 percent of abusers had easy access to their partner's workplace, with 21 percent of offenders reporting that they contacted the victim at the workplace in violation of a no contact order.

At the same time, among female employees who experienced domestic violence, 87 percent received harassing phone calls at work; 78 percent reported being late to work because of abuse; and, incredibly, 60 percent lost their jobs due to domestic abuse. As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I find these facts chilling, because not only do these alarming invasions of privacy threaten women's financial independence, they can also erode elements of a woman's critical support system that can often be found in the workplace as well.

Turning now to my own State of Maine where approximately half of all homicides each year stem from domestic violence, I want to begin with the tragic case of Amy Lake. A kindergarten teacher from Dexter, ME, Amy, and her two children, Coty and Monica, were killed last year by her abusive husband before he killed himself.

Domestic violence experts and law enforcement authorities contend that Amy did everything possible to protect herself and her two children. Amy and her children lived in seven different places the year before their deaths. Amy sought and received a protective order, which her husband proceeded to violate five times. This wrenching incident has galvanized the local community and the entire state of Maine at large to redouble our efforts to end domestic violence. And frankly it is cases like Amy's that tell us in no uncertain terms our work is far from finished. Our job is NOT completed. And our task remains for us all to strive to solve.

In fighting domestic violence, engaging men is a fundamental part of the answer. I salute the efforts of Maine's Governor, Paul LePage, who himself has overcome tragedy as a child and has courageously and aggressively pursued changes aimed at protecting victims, such as reforming bail rules, and strengthening notification requirements. Additionally, Black Bears Against Domestic Violence—an initiative involving male athletes from all of the sports teams from the University of Maine—has done an outstanding job in speaking out against dating violence both on campus and at local high schools.

This bill before us today, which I am pleased to cosponsor, successfully

builds upon past strides at both the State and Federal levels. We include a number of judicial improvements, such as encouraging the use of best practices among law enforcement and court personnel to better assess the risk of domestic violence homicide and to provide immediate, crisis intervention services for those at risk of escalating violence. Maine is already moving in that direction in light of the tragedy that befell Amy Lake, which is vividly emblematic of the imperative to get the right information to the right people at the right time.

Our legislation also reauthorizes grants to encourage arrest policies and enforce protection orders. At the same time, it explicitly calls on law enforcement to identify and inventory backlogs of sexual assault evidence collection kits and to develop protocols for responding to and addressing such backlogs in the purpose area of Services -Training—Officers—Prosecutors, STOP, grants and Grants to Encourage Arrest Policies and Enforce Protection Orders, GTEAP. Human Rights Watch points out two astounding facts—first, that the arrest rate for rape, which stands at 24 percent, has not changed since the late 1970s. Second, it estimates that the number of untested rape kits reaches the hundreds of thousands. Indeed, a recent Newsweek article profiled Detroit prosecutor Kym Worthy, who was attacked at law school while on a run but never reported it, is spearheading an effort to ensure that more than 11,000 police rape kits are tested in Detroit. As she rightfully surmises, ''when victims go through a 3-hour plus rape kit exam, they expect the police to use the evidence to catch the rapist.''

Now, I am cognizant that some of my colleagues—especially those who have enthusiastically supported the original law and past reauthorizations—are fully committed to fighting violence against women but have concerns about the version before us. I hope we can cooperatively work through these issues in an effort to ensure that at the end of the day the overall passage of a significant reauthorization is NOT jeopardized.

Let me be clear, quelling domestic violence is too vital, too urgent, and too necessary a challenge to countenance division along party lines. Our answer must be to counter the impulse to create a political wedge with a desire to legislate in good faith. What is effective fodder for campaign vitriol has no place in a measure like this endeavor to reauthorize The Violence Against Women Act.

Time is of the essence when it comes to legislation with life and death ramifications. Politically, this law has a strong bipartisan pedigree, which has been crucial to its success and enduring legacy. In deference to that tradition, rather than focusing on how to parlay our differences into political advantage, I urge my colleagues try to bridge the divide first.

As someone who has dedicated her life in public service to empowering women, I know this much to be true we can adopt measures that promote and enhance women's health, but if we achieve those noble goals, yet fail to ensure women's security, the victory is pyrrhic at best. If we make strides in education and economic opportunity, but jettison efforts to protect women from abuse, the gains we make will have come at a steep price.

The opportunities to rally around a common cause have been regrettably rare in this chamber so far this Congress. Let us seize this moment and send the strongest signal possible to the nation that on our watch women will receive the protections they require and deserve.

Mr. COONS. Mr. President, every single American should be able to count on the law to protect them from domestic violence and sexual assault, regardless of who they are, where they live, or whom they love. That means giving law enforcement the tools they need to investigate and prosecute these crimes while investing in a community-based approach, like we have in Delaware. In reauthorizing the Violence Against Women Act today, the Senate is taking an important step in the ongoing effort to rid domestic abuse from our communities and our Nation.

The Violence Against Women Act has been an unqualified success at reducing domestic violence and bringing this once-hidden crime into the light. Yet there is no question that the need for this legislation persists.

Just last month, a 26-year-old male was placed under arrest in New Castle County, DE, after assaulting his ex-girlfriend in front of her five children. The assault involved dragging the victim by her hair into the kitchen, where the violence continued. The victim's teenage son was forced to make the call to 9–1-1—another stark and horrifying example of how not all victims of domestic violence have bruises.

Like many aspects of modern law enforcement, the best strategies for fighting domestic violence and sexual assault change over time. What Congress and experts understood to be effective in 1994 may not be the best or most comprehensive approach today. That is why the original authors of this act provided for reauthorization every 5 years. Twice each decade, we must take a hard look at where we are failing and where we are succeeding in this important fight.

In this year's reauthorization, we made changes that generally fall into two categories: reducing bureaucracy and strengthening accountability to ensure taxpayer dollars are spent wisely; and ensuring that every victim of abuse in this country is able to count on the law to protect them, regardless of who they are, where they live or whom they love.

Sometimes it takes an extra step on our part to make sure underserved communities, like those in the LGBTQ community, receive the same protection under the law as everyone else. I believe it is a step worth taking.

The reauthorization we are considering today takes that step, moving us forward by adding protections for victims of domestic violence regardless of their sexual orientation. Lesbian, gay, bisexual and transgendered Americans experience domestic violence in the same percentage of relationships as the general population—a shocking 25–35 percent—yet these victims often don't have access to the same services as their straight friends and neighbors.

Nearly half of LGBTQ victims are turned away from domestic violence shelters, and a quarter are often unjustly arrested as if they were the perpetrators.

In Delaware and across this country, our law enforcement officers are doing an incredible job responding to domestic violence cases, due in part to the training they receive from VAWA programs. Providing the resources necessary to help ensure officers treat all victims equally is essential to keeping our communities safe.

Today's reauthorization makes plain that discrimination is not the policy of the United States of America. It says no program funded by Federal VAWA dollars can turn away a domestic violence victim because of their sexual orientation or gender identity.

That is it. That is all this part of the bill does, and I can't believe any of my distinguished colleagues would want to let discrimination persist in the laws of this country.

Every single American should be able to count on the law to protect them from domestic violence and sexual assault. Whether the victim is gay or straight, American Indian, white, black or Latino, they deserve protection from abuse and justice for their abusers. The amendment offered by Senator HUTCHISON removes these key provisions and would allow the denial of VAWA assistance to victims solely because of their LGBT status.

I opposed the Hutchison amendment for this reason, and because it eliminates improvements that will help law enforcement conduct investigations of the crimes targeted by VAWA.

As cochair of the Senate Law Enforcement Caucus, I convened a roundtable discussion in New Castle, DE, earlier this year to hear from leaders across the spectrum of law enforcement, the nonprofit sector, and the judiciary.

One thing the roundtable made absolutely clear is that law enforcement agencies use VAWA funding to hold training and share information they can't get anywhere else.

Chief Jeffrey Horvath of the Lewes Police Department explained that in a small police unit such as the one he leads, marshaling the funds to provide officer training on domestic violence would be impossible without VAWA assistance.

These local experts also stressed the critical need for ongoing and continued training. MAJ Nathaniel McQueen of the Delaware State Police noted that because the research continues to evolve, trainings must be given every year.

Patricia Dailey Lewis, representing the Family Division of the Delaware Attorney General's Office, explained that VAWA provides the social workers that are critical to ushering victims through the criminal justice system. Without a social worker as a guide, the complications and frustrations of the justice system can be overwhelming—ultimately deterring victims from coming forward and pushing domestic violence back into the shadows.

VAWA funds the Victims Advocate Office in the Delaware State Police Department, which LT Teresa Williams reported has served over 6,000 Delawareans in 2 years. As that number suggests, the prevalence of domestic and sexual violence cases remains a huge concern. Chief James Hosfelt of the Dover Police Department estimated that one-third of his case files relate to incidents of domestic violence.

Once law enforcement and prosecutors have secured a court order, VAWA plays a pivotal role in reducing recidivism. As Leann Summa, director of Legal Affairs of the Family Court in Delaware, explained to me, VAWA funds through STOP grants provide the only method by which the Delaware Family Court can ensure that individuals comply with court orders of treatment and counseling. For victims, VAWA also provides the support groups that reach those who might otherwise fall back into dangerous conditions. Maria Matos, executive director of the Latin American Community Center, explained to me that, while members of the Latino community do not often join in support groups, VAWA has helped create one that has worked successfully in Delaware.

So if we are to tackle a problem this large, this pervasive, and this dangerous, we need well-trained, dedicated law enforcement officers but we also need support from a whole community providing a broad range of services. And in Delaware, that is exactly what we have. VAWA has fostered a community of those dedicated to reducing violence, allowing each group to serve as a force multiplier for others and adding value that individual programs alone would not create.

Another participant in our roundtable, Bridget Poulle, executive director of the Domestic Violence Coordinating Council, told me that even though the council she represented receives no VAWA funds, that, ''VAWA has allowed all systems to work at a higher level.''

Tim Brandau, executive director of CHILD, Inc., agreed that it is the broad community created by VAWA that is most important to sustain. Commissioner Carl Danberg of the Department of Corrections, who also joined us at the roundtable, reminded us how, in the early days of addressing domestic violence, the typical response was to ''lock them both up,'' revictimizing the innocent party. What seemed an appropriate or sufficient response at one time sounds appalling to our ears today—reinforcing the need to reevaluate these programs regularly.

VAWA makes the whole system better by bringing together the necessary pieces of a fully functioning justice system. At the roundtable, Patricia Dailey Lewis, representing the Family Division of the Delaware Attorney General's Office, explained that VAWA provides the social workers that are critical to ushering victims through the criminal justice system. Without a social worker as a guide, the complications and frustrations of the justice system can be overwhelming—ultimately deterring victims from coming forward and pushing domestic violence back into the shadows.

The breadth of the VAWA community is key to its success. This was emphasized at the roundtable by Carol Post, executive director of the Delaware Coalition Against Domestic Violence, and by Deanee Moran, Director of the Sexual Assault Network of Delaware. They reported how VAWA touches everything from transitional housing to the national hotline, from the safe exchange of children to increased awareness on college campuses; from STOP grants in rural neighborhoods to SASP funding in urban communities. Not only for women, but also for men, and for children.

My colleagues who opposed this reauthorization were willing to put all of this progress at risk. Their insistence on excluding some of our friends and neighbors because of their background or sexual orientation is unconscionable.

I am proud to represent a State that has taken a leadership role in the fight against domestic violence, and I thank JOE BIDEN, the former Senator from Delaware, for his leadership in advancing the first VAWA statute.

It is my pleasure, honor, and great responsibility to do all that I can to secure VAWA reauthorization this year—the safety of our communities depends on it.

Mr. COBURN. Mr. President, I write today to explain my vote in opposition to S. 1925, Violence Against Women Reauthorization Act, VAWA. I have several outstanding concerns with this legislation, some of which were reflected in the amendments I circulated during the Senate Judiciary Committee's February 2012 markup of this legislation. In particular, I believe this legislation violates the principles of federalism outlined in the Constitution, fails to completely address duplication and overlap both within VAWA programs and with non-VAWA programs administered by both the Department of Justice, DOJ, and the Department of Health and Human Services, HHS, ignores the continuing problem of grant management and waste, fraud and abuse at the Office of Violence Against Women, OVW, and disregards our country's fragile financial condition, which has worsened significantly since the last VAWA reauthorization in 2005.

First and foremost, I do not think anyone would disagree with the fact that violence of any type against women, domestic, dating or sexual violence, is reprehensible and should not be tolerated. However, regardless of the extent of this or any other problem, we must carefully weigh the proper role of the Federal Government so Congress does not violate its limited authority under the Constitution. Domestic violence laws, like most other criminal laws, are State laws, and nowhere in the Constitution is the Federal Government tasked with providing basic funding to States, localities, and private organizations to operate programs aimed at victims of State crimes such as domestic violence. Far too often, Congress infringes upon the rights of the people and the States by overreaching in its legislative efforts.

Although many VAWA programs are laudable, they are not the Federal Government's responsibility. In fact, the entire purpose of this legislation is to provide funding for State, local, nonprofit, and victim services grantees to serve victims of State crimes, such as domestic violence, stalking, and sexual violence. These crimes and the treatment of its victims are appropriately in the jurisdiction of the States, not the Federal Government. In light of our current economic crisis, Congress must evaluate each and every program to determine if it is constitutional, whether it is a Federal responsibility, and whether it is a priority. Combating violence against women is certainly a priority, but it is not a Federal responsibility.

Second, this legislation fails to completely address the duplication and overlap within VAWA programs and with non-VAWA programs operated by both the DOJ and HHS. At the beginning of every Congress, I send to each Senator my letter outlining the criteria he will use to evaluate legislation. This Congress, it was also signed by seven other Members. The VAWA reauthorization violates several of those criteria, including elimination and consolidation of duplicative programs prior to reauthorization.

While I recognize the legislation does consolidate some programs, it has not eliminated all duplication. There are several VAWA grant programs that are so broad that they duplicate one another, providing multiple opportunities for grantees to double dip into Federal funds. In addition, the Family Violence Prevention and Services Act, FVPSA, which predates the original VAWA legislation, authorized several HHS programs aimed at reducing domestic violence and helping victims. Several of those programs fund the same types of

services as those authorized by the VAWA grants in this legislation.

Furthermore, in the Government Accountability Office, GAO Duplication Report released at the end of February 2012, GAO found the DOJ administers more than 250 grant programs to provide crime prevention, law enforcement, and victims' services, totaling approximately $30 billion since 2005. Specifically, GAO noted more than 20 percent of the 253 grants reviewed by GAO are for victims' assistance.

In addition, according to GAO, this June that office will be releasing yet another duplication report specifically on the OVW, Office of Justice Programs, OJP, and Community Oriented Policing Services, COPS Program. Before moving forward with a VAWA reauthorization, Congress should evaluate this report on OVW to determine how we can streamline the victims' services DOJ already provides. Reauthorizing VAWA programs now, without taking into account the recent and forthcoming work of GAO, is premature.

As a result, I am very disappointed the Democrats refused to allow a vote on the amendment No. 2085 I filed to eliminate unnecessary duplication within DOJ, especially since the savings would have been largely directed to helping bring justice to rape cases. This amendment would have provided at least $600 million in additional funds to support efforts to use DNA to solve crimes.

This amendment would have required the Department of Justice to identify every program its administers, consolidate unnecessary duplication, and apply savings towards resolving rape cases and reducing the deficit.

Specifically, the amendment directed the Attorney General to develop a plan that would result in financial cost savings of at least 20 percent of the nearly $3.9 billion in duplicative grant programs identified by the Government Accountability Office.

According to GAO, since 2005, Congress has spent $30 billion in overlapping Department of Justice grants for crime prevention police and victims services from more than 250 DOJ grant programs, and $3.9 billion in grants just in 2010.

As much as 75 percent of the savings, nearly $600 million, may be directed towards alleviating any backlogs of analysis and placement of DNA samples from rape, sexual assault, homicide, kidnapping and other criminal cases, including casework sample and convicted offender backlogs, into the Combined DNA Index System. The remainder of the savings will be returned to the Treasury for the purpose of deficit reduction.

By requiring the consolidation and elimination of duplication at DOJ, Congress will free Federal funding which can be more appropriately dedicated to bringing justice to rape victims, while also reducing the deficit.

DNA testing provides a powerful criminal justice tool to convicting rapists and exonerating the innocent—DNA, deoxyribonucleic acid, testing has become a powerful criminal justice tool in recent years. ''DNA can be used to identify criminals with incredible accuracy when biological evidence exists. By the same token, DNA can be used to clear suspects and exonerate persons mistakenly accused or convicted of crimes. In all, DNA technology is increasingly vital to ensuring accuracy and fairness in the criminal justice system,'' according to the Department of Justice.

''Each person's DNA is unique (with the exception of identical twins). Therefore, DNA evidence collected from a crime scene can implicate or eliminate a suspect, similar to the use of fingerprints. It also can analyze unidentified remains through comparisons with DNA from relatives. Additionally, when evidence from one crime scene is compared with evidence from another using the Combined DNA Index System, those crime scenes can be linked to the same perpetrator locally, statewide, and nationally.''

''When biological evidence from crime scenes is collected and stored properly, forensically valuable DNA can be found on evidence that may be decades old. Therefore, old cases that were previously thought unsolvable may contain valuable DNA evidence capable of identifying the perpetrator.''

In New York authorities used DNA evidence to link a man to at least 22 sexual assaults and robberies. Authorities in Philadelphia, PA, and Fort Collins, CO, used DNA evidence to link and then solve a series of crimes—rapes and a murder—perpetrated by the same individual.

DNA is generally used to solve crimes in one of two ways. First, in cases where a suspect is identified, a sample of that person's DNA can be compared to evidence from the crime scene. The results of this comparison may help establish whether the suspect committed the crime. Second, in cases where a suspect has not yet been identified, biological evidence from the crime scene can be analyzed and compared to offender profiles in DNA databases to help identify the perpetrator. Crime scene evidence can also be linked to other crime scenes through the use of DNA databases.

DNA evidence is generally linked to DNA offender profiles through DNA databases. In the late 1980s, the Federal Government laid the groundwork for a system of national, State, and local DNA databases for the storage and exchange of DNA profiles. This system, called the Combined DNA Index System, CODIS, maintains DNA profiles obtained under the Federal, State, and local systems in a set of databases that are available to law enforcement agencies across the country for law enforcement purposes. CODIS can compare crime scene evidence to a database of DNA profiles obtained from convicted offenders. CODIS can also link DNA evidence obtained from different crime scenes, thereby identifying serial criminals.

In order to take advantage of the investigative potential of CODIS, in the late 1980s and early 1990s, States began passing laws requiring offenders convicted of certain offenses to provide DNA samples. Currently all 50 states and the Federal Government have laws requiring that DNA samples be collected from some categories of offenders.

When used to its full potential, DNA evidence will help solve and may even prevent some of the Nation's most serious violent crimes. However, the current Federal and State DNA collection and analysis system needs improvement, according to the Department of Justice: In many instances, public crime labs are overwhelmed by backlogs of unanalyzed DNA samples. In addition, these labs may be ill-equipped to handle the increasing influx of DNA samples and evidence. The problems of backlogs and lack of up-to-date technology result in significant delays in the administration of justice. More research is needed to develop faster methods for analyzing DNA evidence. Professionals working in the criminal justice system need additional training and assistance in order to ensure the optimal use of DNA evidence to solve crimes and assist victims.

Thousands of sexual assault DNA kits are still not tested—''The demand for DNA testing continues to outstrip the capacity of crime laboratories to process these cases,'' according to a National Institute of Justice report. ''The bottom line: crime laboratories are processing more cases than ever before, but their expanded capacity has not been able to meet the increased demand.''

The DNA casework backlog, consisting of forensic evidence collected—from crime scenes, victims and suspects in criminal cases—has more than doubled from less than 50,000 in 2005 to more than 100,000 in 2009.

There are thousands of rape kits ''sitting waiting to be tested'' in Houston, TX alone. The Houston Police Department may have up to 7,000 sexual assault kits that have not been tested. Houston recently accepted an $821,000 Federal grant to study the backlog of untested kits, but ''the bulk of the money has to be spent on figuring out the reasons rape kits have gone untested'' and less than half of the money ''will go towards dealing with the actual backlog.''

This amendment provides roughly $600 million to help resolve more than 340,000 rape and other criminal cases with DNA testing—This amendment would have provided at least $600 million in additional funds to support efforts to use DNA to solve crimes.

The amendment would have directed the Attorney General to develop a plan that would result in financial cost savings of at least 20 percent of the nearly $3.9 billion in duplicative grant programs identified by the Government

Accountability Office. As much as 75 percent of the savings, nearly $600 million, may be directed towards alleviating any backlogs of analysis and placement of DNA samples from rape, sexual assault, homicide, kidnapping, and other criminal cases, including casework sample and convicted offender backlogs, into the Combined DNA Index System. The remainder of the savings will be returned to the Treasury for the purpose of deficit reduction.

In 2010, National Institute of Justice's DNA Backlog Reduction Program provided more than $64.8 million which allowed more than 37,000 cases to be tested. The $600 million provided by this amendment could therefore be enough to provide testing for over 342,000 cases.

No list of Justice Department programs exists, yet GAO found more than 250 overlapping DOJ grant programs—As with many other agencies, the Justice Department cannot fully account for each program in its purview. In fact, in its review of DOJ programs for their annual report on duplication, even the GAO could not fully account for every program at the agency.

The number of Justice programs detailed by GAO, 253, may actually be an understatement. The report explains Justice grant programs can continue for up to 5 years, and as such, ''the total number of active justice grant programs can be higher than what is presented,'' which is only a one year snapshot of the Department's programs.

This amendment would require the Department to provide a full listing of every single program administered under their jurisdiction, which will assist in Congress's work to address this extensive overlap when making funding decisions.

In their duplication report, GAO revealed that ''overlap and fragmentation among government programs or activities can be harbingers of unnecessary duplication. Reducing or eliminating duplication, overlap, or fragmentation could potentially save billions of taxpayer dollars annually and help agencies provide more efficient and effective services.''

This amendment would have addressed this overlap and unnecessary duplication at the Department of Justice by also requiring the following: a listing of other programs within the Federal Government with duplicative or overlapping missions and services; the latest performance reviews for the program, including the metrics used to review the program; the latest improper payment rate for the program, including fraudulent payments; and the total amount of unspent and unobligated program funds held by the agency and grant recipients.

This information would be updated annually and posted on-line, along with recommendations from the agency to consolidate duplicative and overlapping programs, eliminate waste and inefficiency, and terminate lower priority, outdated and unnecessary programs.

According to GAO, since 2005 Congress has spent $30 billion in overlapping Department of Justice grants for crime prevention, police, and victims services through more than 250 programs, and $3.9 billion in grants in 2010.—In February, the Government Accountability Office, GAO, released its second annual report addressing duplication and areas for cost savings throughout the Federal Government. The report, ''Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue,'' exposed 51 specific examples of government duplication and areas of Federal spending with potential for significant cost savings.

Included in this year's report are some very troubling findings of extensive duplication in a large portion of Department of Justice, DOJ, programs. GAO found the Justice Department administers more than 250 duplicative programs to provide ''crime prevention, law enforcement, and crime victim services,'' costing taxpayers roughly $30 billion in the last 6 years.

Their report details the widespread duplication in the Department, enumerating at least 56 victims' assistance programs, 33 juvenile justice efforts, more than 40 technology and forensics grant solicitations, and 16 community crime prevention strategy programs, to name a handful of the many identified.

In 1 year alone, three primary offices—the Office of Justice Programs, the Office on Violence Against Women, and the Community Oriented Policing Services Office—awarded $3.9 billion through 11,000 grants, many of which the GAO found to be duplicative and in need of review and coordination.

GAO attributes much of the duplication among these 253 grant programs to the fact Justice officials do not conduct a full cross reference check to ensure applicants have not applied for or received overlapping grants from the Department.

In fact, Justice employees contend they simply do not have enough time before providing a grant to ensure recipients have not already received funding. GAO observed, ''Justice officials stated that the timeline for reviewing applications, making recommendations on their merit, and processing awards each year is compressed and that it would be difficult to build in the extra time and level of coordination required to complete an intradepartmental review for potentially unnecessary duplication of funding prior to making awards.''

This amendment would direct DOJ to use their own authority to eliminate and consolidate overlapping programs as identified by GAO and develop a plan that would result in financial cost savings of no less than 20 percent of the nearly $3.9 billion in duplicative grant programs identified by the Government Accountability Office.

Addressing duplication at GAO is one step in addressing our nearly $16 trillion debt—With the release of the GAO report, combined with last year's recommendations, Congress and the administration have been given extensive details in 132 areas of government duplication and opportunities for significant cost savings, with dozens of recommendations for how to address the duplication and find these savings.

The problem in Congress today is not an issue of ignorance—it is one of indifference and incompetence. We know we have a problem. We know we have cancer. Yet we refuse to stop making it worse, we refuse to apply the treatment, and we refuse to take the pain of the medication for the long-term benefit of a cure.

The report provides a clear listing of dozens of areas ripe for reform and in need of collaboration from members on both sides of the aisle, to find solutions to address these issues.

We are looking into a future of trillion dollar deficits and a national debt quickly headed toward $20 trillion. Our Nation is not on the verge of bankruptcy, it is already bankrupt. Over the last 2 years, there have been countless discussions and bipartisan talks about how to address our debt and deficit. Yet there has been little agreement, and at the end of this year we will be faced with another tax extenders package and another increase in the debt limit, all while sequestration will be poised to kick in and achieve the savings Congress has been unable to muster the courage to pass.

But, before us, we have part of the answer. GAO's work presents Washington with literally hundreds of options for areas in which we could make a decision now to start finding savings, potentially hundreds of billions of dollars. If we are unable to agree on eliminating even one small duplicative program or tax credit when clearly we know there are hundreds, we have little hope of ever coming to a comprehensive compromise for fixing our floundering budget.

Congress should require the Department of Justice to provide a full listing of every program in their jurisdiction. Further, the Department can find savings from consolidating the overlap outlined by the GAO, freeing up Federal funding to dedicate toward solving unresolved rape cases, while also reducing the deficit.

As a Nation, we simply cannot afford to reauthorize programs that waste taxpayer dollars by duplicating programs operated by other Federal agencies for the same purposes. To be clear, addressing duplication and overlap is not a matter of refusing to provide services to victims of domestic violence but, rather, it is to ensure they are properly served by programs that are efficient, effective and not bogged down in Federal Government bureaucracy.

Third, both the Government Accountability Office, GAO, and the DOJ

Office of the Inspector General, DOJ OIG, have repeatedly documented the failure of OVW to manage its grants and monitor its grantees effectively. Following this statement, I have included in the RECORD summaries of both GAO and DOJ OIG reports on OVW and VAWA grants. Overall, DOJ has long had problems with its grant management. The DOJ OIG has published for more than a decade a list of the Top 10 Management Challenges at the DOJ. Grant management, unfortunately, has appeared on that list ever since the inception of this evaluation, with OVW being called out as particularly problematic.

Since 2001, GAO has noted various problems at OVW and with particular VAWA grants. With regard to OVW grant management, GAO noted grants awarded by OVW ''often lacked the documentation necessary to ensure that the required monitoring activities occurred.'' As a result OVW ''was not positioned to systematically determine staff compliance with monitoring requirements and assess overall performance.''

Furthermore, since 1998, the DOJ IG has issued audit after audit noting unallowable expenditures, questioned grant costs, weak internal reporting, and poor oversight in numerous VAWA grants across the country. For example, a 2011 DOJ IG audit of a Boston grantee questioned over half $638,298 of its $1.3 million grant. The questioned costs were used for unsupportable conferences, bonus payments, and consultant fees.

Even my constituents have directly experienced OVW mismanagement. For example, the Oklahoma District Attorneys Council, OK DAC, which is the Oklahoma State administrative agency for many Federal grants, has had specific, documented problems with the poor job OVW has been doing in its grant management and oversight. OVW does not answer or return phone calls in a timely manner and has consistently been unavailable to answer grantees' questions in the middle of the work week. Moreover, according to the OK DAC, in the last 4 years that Oklahoma has received one particular VAWA grant, OVW has failed to perform even one site visit to check on the implementation of the grant and the grantee's use of Federal funds.

After more than a decade of significant challenges, it is my hope the DOJ OIG will be able to remove grant management from DOJ's top 10 management challenges. However, until that occurs, it is the job of Congress to ensure we are not turning a blind eye to DOJ's failure to properly administer taxpayer funds through Federal grant programs, including those authorized by VAWA.

Fourth, the fiscal condition of our country has worsened dramatically since the original passage of this bill in 1994 and the last reauthorization in 2005. In fact, at the end of 2005, our national debt was approximately $8.1 trillion. It is now over $15.6 trillion—a growth of over $7.5 trillion, or 92.6 percent, in just over 6 years. The Federal Government is in no position to spend more money on any grant programs without offsets. We simply cannot afford it.

Although Chairman LEAHY recognized the inordinately high authorization levels in the last VAWA reauthorization by reducing some of those amounts, S. 1925 continues to inflate the actual funding we know Congress will provide to VAWA grantees. The bill authorizes approximately $660 million in grants each year for 5 years, totaling $3.3 billion. None of these funds are offset. The 2005 VAWA reauthorization provided approximately $779 million per year for 5 years, totaling $3.89 billion. Thus, while S. 1925 reauthorizes a total of $590 million less than the 2005 VAWA reauthorization, this total is still much higher than actual past appropriations.

In fact, from 2007 to 2011, Congress appropriated a total of $2.71 billion for VAWA grant programs, which is $590 million less than this bill's authorized funding. From 2007 to 2011, although Congress authorized a total of $3.89 billion, it actually appropriated $1.18 billion less than that figure, 2.71 billion. Thus, while S. 1925 may reduce authorizations, it still provides a total authorization that is significantly higher than total VAWA appropriations over the past 5 years. If we know, based on past funding history, it is highly unlikely Congress will ever provide to VAWA grantees the level of funding authorized in this legislation, why would we send a false message to grantees by retaining such inflated estimates in VAWA?

Fifth, I also have concerns about a section of this bill that allows a tribal court to have jurisdiction over non-Indians who commit a domestic violence crime in Indian country or against an Indian. The language explicitly provides that the self-governance of a tribe includes the right ''to exercise special domestic violence criminal jurisdiction over all persons.'' To my knowledge, this is the first time the Federal Government has given Indian courts jurisdiction over ''all persons.'' While I recognize domestic violence is a serious problem in Indian Country, this change could cause particular problems with tribes in Oklahoma. Oklahoma has no reservations, but it does have 39 separate Indian governments. The individual allotment lands and trust lands are small and dispersed within Oklahoma communities and counties. The tribes do not have large continuous land bases, and because of its unique history, many Oklahomans claim Indian enrollment but have no relationship to the tribe or a tribal community.

Further, the Bill of Rights does not apply in Indian courts. Instead, most of the protections are preserved because of the Indian Civil Rights Act, but it does not preserve all rights. For example, the Indian Civil Rights Act only guarantees right to counsel at an individual's own expense. If the ''all persons'' language is as absolute as it appears, it could allow a non-Indian to be tried in tribal court without the full protection of the Constitution. S. 1925 includes language that says: ''In a criminal proceeding in which a participating tribe exercises special domestic violence criminal jurisdiction, the participating tribe shall provide to the defendant . . . all other rights whose protection is necessary under the Constitution of the United States in order for Congress to recognize and affirm the inherent power of the participating tribe to exercise special domestic violence criminal jurisdiction over the defendant.'' Still, I am not certain this is enough and am afraid it will be subject to future court challenges.

Proponents of this provision argue that such allowances to tribal courts are necessary because no one is prosecuting non-Indian offenders, and that may be true in some cases. But, instead of creating a conflict between Indian country and the Federal Government's jurisdiction over American citizens who commit crimes, we believe we should deal with the bigger problem by holding the Department of Justice and local U.S. attorneys accountable for not prosecuting these cases.

Finally, while I applaud and support Senator GRASSLEY's effort to increase accountability at the DOJ and to address problematic definitions, immigration provisions, and criminal statutes in his substitute amendment, for many of the same reasons I outline above, I must also oppose his substitute. Although Senator GRASSLEY's alternative is, in several areas, likely a better alternative than S. 1925, it fails to reduce authorizations or offset those amounts, does not fully address grant management problems at OVW or program duplication, and still runs counter to my basic constitutional concerns with VAWA programs.

As a result, I cannot support S. 1925 or Senator GRASSLEY's substitute.

I ask unanimous consent to have the attached documents supporting my statement on the Violence Against Women Act of 2011 in the RECORD.

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

SUMMARY OF GOVERNMENT ACCOUNTABILITY OFFICE (GAO) REPORTS ADDRESSING VIOLENCE AGAINST WOMEN ACT (VAWA) GRANTS AND/OR THE OFFICE OF VIOLENCE AGAINST WOMEN

''JUSTICE IMPACT EVALUATIONS: ONE BYRNE EVALUATION WAS RIGOROUS; ALL REVIEWED VIOLENCE AGAINST WOMEN OFFICE EVALUATIONS WERE PROBLEMATIC,'' UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE, GA0–02–309, MARCH 2002

The title of this report summarizes the VAWA program well—''all reviewed Violence Against Women Office evaluations were problematic.''

From 1995–2001, NIJ awarded $6 million for five Byrne grant evaluations and five VAWA grant evaluations. VAWA funds provided all

of the funding for NIJ's evaluation of its grants ($4 million). GAO reviewed in depth three of the VAWA evaluations, ''all of which . . . had methodological problems that raise concerns about whether the evaluations will produce definitive results.''

''With more up-front attention to design and implementation issues, there is a greater likelihood that NIJ evaluations provide meaningful results for policymakers.''

While OVW provides grantees flexibility to develop projects to fit their communities, ''the resulting project variation makes it more difficult to design and implement definitive impact evaluations of the program. Instead of assessing a single, homogeneous program with multiple grantees, the evaluation must assess multiple configurations of a program, thereby making it difficult to generalize about the entire program.''

All three VAWA evaluations were designed ''without comparison groups [which] hinders the evaluator's ability to isolate and minimize external factors that could influence the results of the study.'' As a result, ''lack of comparison groups . . . makes it difficult to conclude that a reduction in violence against women and children . . . can be attributed entirely, or in part, to the . . . program. Other external factors may be operating.''

STATEMENT OF LAURIE EKSTRAND, DIRECTOR OF JUSTICE ISSUES, UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE, TESTIMONY BEFORE THE SUBCOMMITTEE ON CRIME AND DRUGS, COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, ''LEADING THE FIGHT: THE VIOLENCE AGAINST WOMEN OFFICE,'' GAO–02–641T, APRIL 16, 2002

The primary conclusion of Ms. Ekstrand's testimony was the following: ''Our recent work has shown a need for improvement in [OVW] grant monitoring and in the evaluations that are intended to assess the impacts of [OVW] programs.''

VAWA programs have grown significantly since its 1995 inception. Between 1995 and 2000, the number of VAWA discretionary grants ''increased about 362%—from 92 in FY 1996 . . . to 425 in FY 2000.'' During the same time period, the dollar amount of all VAWA discretionary grants ''increased about 940%—from just over $12 million in FY 1996 . . . to about $125 million in FY 2000.''

Ms. Ekstrand referenced the March 2002 report by stating ''grant files for discretionary grants awarded by [OVW] often lacked the documentation necessary to ensure that the required monitoring activities occurred.'' As a result OVW ''was not positioned to systematically determine staff compliance with monitoring requirements and assess overall performance.''

REPORT TO THE HONORABLE ELEANOR HOLMES NORTON, HOUSE OF REPRESENTATIVES, ''VIOLENCE AGAINST WOMEN: DATA ON PREGNANT VICTIMS AND EFFECTIVENESS OF PREVENTION STRATEGIES ARE LIMITED,'' UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE, GAO–02–530, MAY 2002

This report was requested by Eleanor Holmes Norton due to her concern about pregnant women being victims of homicide and other types of violence.

GAO concluded the data was incomplete on the number of pregnant women who are victims of violence and that data ''lacks comparability.''

''Research findings on whether women are at increased risk for violence during pregnancy are inconclusive.'' A report by the CDC noted, ''the risk of physical violence does not seem to increase during pregnancy.''

Little information is available on the effectiveness of strategies to prevent and reduce violence against women . . .''

''PREVALENCE OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING,'' UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE, IN RESPONSE TO A REPORT MANDATED BY THE VIOLENCE AGAINST WOMEN AND DOJ REAUTHORIZATION ACT OF 2005, GAO–07–148R, NOVEMBER 2006

VAWA advocates attempt to highlight how many (incidence) of these crimes occur and how many people are victimized (prevalence) as evidence of why we need to pay for additional services to victims of domestic violence. However, this GAO report notes there is not an accurate nationwide estimate of the prevalence of domestic violence, sexual assault, dating violence, and stalking.

That is not to say it does not occur. Rather, that is to note, as policymakers, we really do not have adequate information to make decisions on what grants are necessary, if any, to address this problem because we do not know its scope. GAO notes ''no single, comprehensive effort currently exists that provides nationwide statistics on the prevalence of these four categories of crime [domestic violence, sexual assault, dating violence, and stalking].'' In fact, ''since 2001, the amount of national research that has been conducted on the prevalence of domestic violence and sexual assault has been limited, and even less research has been conducted on dating violence and stalking.'' Yet, in the 2000 reauthorization of VAWA, language was added to put greater emphasis on dating violence.

While it could be costly to design a single, nationwide effort, DOJ has not even performed a cost-benefit analysis to determine if such a national effort should move forward.

In addition, while there have been some analysis by individual subdivisions of agencies (approximately 11 collection efforts focusing on various aspects of domestic violence), even their work has not produced results that can be extrapolated nationally. For example, the CDC and OJP have taken some steps at providing consistency in some of their data collection and definitions of terms such as ''dating violence'' or ''domestic violence,'' however, GAO notes even agencies like these ''encourage but do not require grantees to use these definitions as part of their research efforts and cannot always use these definitions in their own work.''

GAO concludes, ''the absence of comprehensive nationwide prevalence information somewhat limits the ability to make informed policy and resource allocation decisions about the statutory requirements and programs create to help address these four categories of crime and victims.''

''SERVICES PROVIDED TO VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, DATING VIOLENCE, AND STALKING,'' UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE, IN RESPONSE TO A REPORT MANDATED BY THE VIOLENCE AGAINST WOMEN AND DOJ REAUTHORIZATION ACT OF 2005, GAO–07–846R, JULY 2007

This is the second part of the mandate to GAO from the 2005 VAWA Reauthorization. The first part was completed in the November 2006 report mentioned above.

This report focused on eleven federal grant programs and how each collected and reported data to the respective agencies (OVW/OVC/HHS–ACF) on the services they provide. While information is reported, ''data are not available on the extent to which men, women, youth, and children receive each type of service for all services.'' GAO notes this ''occurs primarily because the statutes governing these programs do not require the collection of such data.''

Even if such data were available, GAO notes, among several concerns, the data may not be reliable because ''recipients of grants administered by all three agencies use varying data collection practices.''

While I understand concerns for victims' confidentiality and safety, there are clearly improvements that can be made in improving the uniformity and reliability of data collection.

In addition, due to Congress placing different requirements on different grants and having a complicated maze of grant programs we cannot keep track of, we have not provided the appropriate consistency to grantees to make data collection requirements easy to understand and perform. Better drafting on our part could also improve the data we receive, which, in turn, would greatly improve and inform our policymaking efforts.

STATEMENT OF EILEEN LARENCE, DIRECTOR OF HOMELAND SECURITY AND JUSTICE, UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE, TESTIMONY BEFORE THE COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE, ''THE VIOLENCE AGAINST WOMEN ACT: BUILDING ON 17 YEARS OF ACCOMPLISHMENTS,'' GAO–11–833T, JULY 13, 2011

This testimony focused on a review of the 2006 and 2007 reports above and updates to those recommendations conducted in July 2011.

Of the eleven national data collection efforts mentioned in the 2006 report, four only focused on incidence (the number of times a crime is committed), not the prevalence (how many individuals are actually victimized).

GAO reports DOJ's OJJDP completed a nationwide survey in 2009 of incidence and prevalence of children's exposure to violence. This should help in the area of teen dating violence. While CDC has begun a teen dating violence prevention initiative, it just began implementing the first phase in four high risk areas in September 2011, and results are not expected until 2016. Thus, GAO says ''it is too early to tell the extent to which this effort will fully address the information gap related to prevalence of stalking victims under the age of 18.''

In 2006, GAO reported different agencies used different definitions related to different types of domestic violence, which led to problems collecting accurate national statistics. This report notes HHS still continues to encourage the use of uniform definitions, but it does not require grantees to do so. In 2010, CDC convened a panel to update and revise its definitions. CDC is reviewing those results and plans another panel in 2012.

DOJ has reported its juvenile justice division created common definitions for use in a national survey of children's exposure to violence. This is encouraging, but clearly significant divisions of DOJ, such as OVW, which are responsible for a large portion of VAWA grants, have not reported advances in developing common definitions.

A CDC/NIJ Report on the prevalence of domestic violence was released mid-December 2011.

As a result of the 2007 report, HHS and DOJ stated ''they modified their grant recipient forms to improve the quality of the recipient data collected and to reflect statutory changes to the programs and reporting requirements.'' Officials stated this resulted in an increase in the quality of data received.

Overall, GAO's testimony concluded ''having better and more complete data on the prevalence of domestic violence, sexual assault, dating violence and stalking as well as related services provided to victims . . . can without doubt better inform and shape the federal programs intended to meet the needs of these victims.''

Mrs. FEINSTEIN. Mr. President, I rise today to express support for the reauthorization of the Violence Against

Women Act—VAWA. VAWA is a critical piece of legislation that protects American women from the plague of domestic violence, stalking, dating violence and sexual assault. The Violence Against Women Act is the centerpiece of the federal government's efforts to combat domestic violence and sexual assault and has transformed the response to these crimes at the local, State and federal levels.

As my colleagues know, VAWA was signed into law in 1994. This body reauthorized it in 2000 and again in 2005 on an overwhelming bipartisan basis. And it is my hope that we can repeat this bipartisan cooperation with the current reauthorization bill. I applaud those on both sides of the aisle for coming together to support this legislation. The measure today has a total of 61 cosponsors, including eight Republicans. VAWA has always been bipartisan, is bipartisan today, and needs to come to a vote.

During my days as the mayor of San Francisco, law enforcement officers most worried about responding to domestic abuse calls. That is where things got really rough. Tragically, I saw it happen over and over again. It was a big problem then, and it remains a big problem today.

To address these problems, the bill reauthorizes a number of grant programs administered by the Departments of Justice and Health and Human Services to provide funding for emergency shelter, counseling, and legal services for victims of domestic violence, sexual assault and stalking. It also provides support for State agencies, rape crisis centers, and organizations that provide services to vulnerable women. And American women are safer because we took action.

Today, more victims report incidents of domestic violence to the police, and the rate of non-fatal partner violence against women has decreased by 53 percent since 1994, according to the Department of Justice. Because of VAWA, States have the funding to implement ''evidence-based'' anti-domestic violence programs, including ''lethality screens,'' which law enforcement uses to predict when a person is at risk of becoming the victim of deadly abuse.

In my home state of California, with the help of VAWA funds, we reduced the number of domestic violence homicides committed annually by 30% between 1994, the year in which VAWA was enacted, and 2010. Simply put, VAWA funding saves lives.

An extremely noteworthy example of VAWA's success came to my office from the Alameda County District Attorney.

In 1997, Alameda County, CA reported 27 deaths as a result of domestic violence. That was about the normal rate at that time. But by last year, 2011, the district attorney reported just three deaths. The district attorney credits VAWA for reducing the number of domestic violence homicides in Alameda County. This is a clear example of why we need to reauthorize VAWA.

Through the use of VAWA funding, Alameda County created the Family Justice Center in 2005 to provide comprehensive services to adults and children who experience domestic violence or sexual assault. Today, the center is a national model of how communities can bring service professionals together to serve crime victims.

During these tough economic times, the demand for the Family Justice Center's services has grown—as has its need for VAWA funding. In the center's first year, they treated approximately 8,000 clients, including an estimated 1,000 children. In 2010, the center treated 12,000 clients. Last year, the center treated more than 18,000 women, men, children and teens who were victims of interpersonal violent crimes.

During a recent visit to my office, the Alameda County District Attorney noted that without VAWA funding it would not be possible for the Family Justice Center to continue to serve this growing population of crime victims.

The vital need for domestic violence prevention services was highlighted in a recent survey by the Centers for Disease Control and Prevention—CDC—which found that on average, 24 people per minute are victims of rape, physical violence, or stalking by an intimate partner in the United States. Over the course of a year, that equals more than 12 million women and men.

In California, about 30,000 people accessed crisis intervention services from one of California's 63 rape crisis centers in 2010 and 2011. These centers primarily rely on federal VAWA funding—not State funding—to provide services to victims in their communities.

In 2009 alone, there were more than 167,000 cases in California in which local county or State police officers were called to the scene of a domestic violence complaint according to the California Department of Justice.

The bill we are are considering today gives increased attention to victims of sexual violence. This form of violence is particularly destructive because, for many years, our society viewed sexual violence as the fault of the victim, not the perpetrator.

Although VAWA has always addressed the crime of sexual assault, a smaller percentage of the bill's grant funding goes to sexual assault victims than is proportional to their rates of victimization. The bill does three things to address this imbalance: No. 1, it provides an increased focus on training for law enforcement and prosecutors to address the ongoing needs of sexual assault victims; No. 2, the bill extends VAWA's housing protections to these victims; No. 3, and the bill ensures that those who are living with, but not married to, an abuser qualify for housing assistance available under VAWA.

The bill also updates the federal criminal code to clarify that cyberstalking is a crime. With increasing frequency, victims are being stalked over the Internet through e-mail, blogs, and Facebook. When stalking is done online, the message sent by the perpetrator is memorialized forever, making it more difficult for victims to put the painful experience in the past and move forward in their lives.

Despite the fact that the underlying bill has 61 cosponsors from both parties, not a single Republican member of the Judiciary Committee—of which I am a longtime member—voted to advance the legislation.

The bill considered in the Judiciary Committee includes several changes that I believe improve the underlying bill.

For example: It creates one very modest new grant program, consolidates 13 existing programs, and reduces authorization levels for all other programs by 17 percent. The new bill would decrease the total authorization level of $795 million in fiscal year 2011 to $659 million in fiscal year 2012. And it places emphasis on preventing domestic homicides and reduces the national backlog of untested rape kits.

Yet, there are some who refuse to support it because it now includes expanded protections for victims. Specifically, VAWA was expanded to include additional protections for gay and lesbian individuals, undocumented immigrants who are victims of domestic abuse, and authority for Native American tribes to prosecute crimes.

In my view, these are improvements. Domestic violence is domestic violence. I ask those who oppose the bill: If the victim is in a same-sex relationship, is the violence and danger any less real? If a family comes to this country and the husband beats his wife to a bloody pulp, do we say, well, you are illegal; I am sorry, you don't deserve any protection?

911 operators and police officers don't refuse to help a victim because of their sexual orientation or the country where they were born. When you call the police in America, they come.

VAWA will help ensure that all victims have access to life-saving services, regardless of sexual orientation or gender identity. Lesbian, gay, bisexual and transgendered victims experience domestic violence in 25 percent to 35 percent of relationships—the same rate as heterosexual couples. Yet, these victims are often turned away when they seek help from shelters and professional service providers and they do not receive the help they need.

VAWA would improve the LGBT community's ability to access services by explicitly prohibiting grant recipients from discriminating based on sexual orientation or gender identity and by clarifying that gay and lesbian victims are included in the definition of underserved populations.

Domestic and sexual violence in Tribal communities is a problem of epidemic proportions. Studies indicate that nearly three out of five Native

American women have been assaulted by their spouses or intimate partners. The VAWA Reauthorization bill provides law enforcement with additional tools to take on the plague of violence affecting Native women. The bill adds new Federal crimes—including a 10-year offense for assaulting a spouse or intimate partner by strangling or suffocation—the two types of assault that are frequently committed against women in Indian Country. And it closes loopholes to ensure that those who commit domestic violence in Indian Country do not escape justice.

The Chairman of the San Manuel Band of Mission Indians in Highland, CA recently wrote to me to emphasize the importance of closing the jurisdictional loophole. According to the chairman, the rampant violence against Native women can in part be attributed to the absence of tribal criminal jurisdiction over non-Indian perpetrators.

Crimes of domestic violence or dating violence that would typically lead to convictions and sentences of anywhere between 6 months and 5 years in U.S. courts are too often falling through the cracks in the legal system when identical crimes occur in Indian Country.

The Violence Against Women Reauthorization Act of 2011 is supported by over 50 national religious organizations including the Presbyterian Church, the Episcopal Church, the Evangelical Lutheran Church, the National Council of Jewish Women, National Council of Catholic Women, the United Church of Christ and the United Methodist Church.

As I mentioned earlier, law enforcement officers are at particular risk when they respond to domestic violence incidents. According to the Law Enforcement Officer Deaths Memorial Fund, in 2009, 23 percent of firearms-related deaths involved domestic disturbance calls. In 2010, eight officers were killed responding to domestic violence calls.

VAWA provides needed training to decrease the risk to law enforcement when responding to domestic violence calls. The legislation includes grants to develop and strengthen policies and training for law enforcement to recognize and effectively respond to instances of domestic abuse.

To me, this bill is a no-brainer. To stand in the way of this bill is almost to say we don't consider violence against women an important issue.

Let me repeat: this bill protects American women. It has support on both sides of the aisle. It saves lives. It is a lifeline for women and children who are in distress.

We need to show our commitment to end domestic violence and sexual violence. I hope that all senators will support this important effort to reauthorize the Violence Against Women Act with strong bipartisan support as we always have. This has always been a bipartisan effort. Let's vote and let's get it done.

I yield the floor.

Mr. LEVIN. Mr. President, in 1994 and again in 2000 and 2005, the Senate took a strong, bipartisan stance against acts of domestic and sexual violence that alter the lives of far too many American families and especially American women. With the passage and later reauthorizations of the Violence Against Women Act, Congress provided invaluable aid—sometimes lifesaving aid—to hundreds of thousands of Americans. There is no reason we cannot reauthorize this legislation again this year with overwhelming bipartisan support, and I urge my colleagues on both sides of the aisle and in both chambers of Congress to support this bill.

Since its passage, the Violence Against Women Act has provided comprehensive support to survivors of domestic and sexual violence and to the Federal, State, and local agencies that confront this scourge every day. The original legislation passed in 1994 laid a strong foundation that helped establish a coordinated response to violence against women. Reauthorizations in 2000 and 2005 strengthened that foundation. Today, through violence prevention grants, services to survivors of sexual assault, legal assistance, transitional housing grants, assistance to law enforcement agencies and prosecutors, and other efforts, VAWA has made an enormous difference.

Deaths due to violent acts by intimate partners have decreased significantly. And according to a cost-benefit analysis, VAWA saved nearly $15 billion in its first 6 years of existence by avoiding the high social costs violence against women exacts on our Nation. William T. Robinson, the president of the American Bar Association, calls VAWA ''the single most effective federal effort to respond to the epidemic of domestic violence, dating violence, sexual assault and stalking in this country.''

For all its successes, VAWA has not ended our responsibility to act against violence. Domestic and sexual violence remain far too common for us to abandon our efforts. And just as we have in past authorizations, the legislation before us would strengthen our ability to confront violence in new ways.

Now, some of these new efforts have become controversial. Some of our Republican colleagues have questioned provisions that extend VAWA's anti-discrimination protections. Some have questioned extending the umbrella of this Nation's protections to immigrants. And some have questioned provisions designed to protect Native American women from sexual and domestic violence. In fact, some of my colleagues have denied that these provisions are necessary, and some have criticized them as ''political.''

I certainly do not consider extending the successful protections of this legislation to all Americans as ''political.'' I consider it common sense. I consider it our duty to help these survivors get the assistance they need. I strongly support these important extensions of the act's protections, and I encourage my colleagues to support them as well.

This is not a partisan issue. I hope the Senate can, as it has in the past, send a strong bipartisan message of support to survivors of domestic or sexual violence. And I hope our colleagues in the House of Representatives will quickly take up and approve legislation that will make an enormous positive difference in the lives of so many.

Ms. KLOBUCHAR. Mr. President, I want to briefly comment on an issue that has been raised by some with respect to the stalking provisions in the bill.

Some outside observers have questioned whether the language in the bill would chill free speech or even criminalize constitutionally protected speech. Obviously, that was not the intent of the language and I do not believe that would be the impact.

In fact, a statute cannot criminalize constitutionally protected speech. If it is protected under the Constitution, then it is protected, plain and simple.

The stalking provision is intended to make our anti-stalking laws more effective. The problem with current law is that we require a victim to actually suffer from substantial emotional distress in order for the perpetrator to be prosecuted.

But sometimes victims are not even aware that they are being stalked, especially if the stalker is using electronic surveillance, video surveillance, or other technology that is specifically designed for spying.

So a stalker who is using technology to stalk his victim can escape prosecution simply because he goes undetected by the victim. That does not make sense to me.

With the provision in the bill, we allow law enforcement and prosecutors to focus on the stalker's actions, and not just the victim's emotions.

This will allow prosecutions if the perpetrator is caught before the victim has suffered the necessary level of emotional distress. Under current law, law enforcement has to wait until that harm has occurred, even though the stalker has already committed terrible invasions of the victim's privacy.

But I understand the concerns of those who are worried about free speech. I am willing to work with them to address their concerns as we move forward.

I have no desire to inhibit free speech. This is not about speech, it is about video surveillance, tracking devices, and other secretive methods of stalking. It is about truly dangerous and despicable behavior.

Mr. DURBIN. According to a recent survey, 24 people every minute become victims of rape, physical violence, or stalking by an intimate partner in the United States. That means that just in the time it takes me to finish this statement, dozens will have been victimized.

Since it was passed by Congress in 1994, the Violence Against Women Act has provided valuable, even life-saving, assistance to these hundreds of thousands of individuals. The impact of this bipartisan legislation has been profound. According to the Bureau of Justice Statistics, the rate of domestic violence against women has dropped by 53 percent since VAWA's passage. This legislation is critical.

There is no question that we are making tremendous progress. But there are so many who urgently need help. Let's look at incidence of physical violence: The Centers for Disease Control tell us that nearly one in four women reports experiencing severe physical violence by an intimate partner. And the consequences can be severe. For example, according to one report, in 2007, 45 percent of the women killed in the United States died at the hands of an intimate partner.

Sexual assault statistics are just as alarming: The CDC tells us that nearly one in five women in the United States has been raped. And more than half of female rape victims report being raped by an intimate partner. One in six women in the United States has experienced stalking. Each one of these statistics, and every person who has suffered domestic and sexual violence, shows us that we need to reauthorize this legislation, and we need to do it now.

This legislation is supported by victims, experts, and advocates. It is supported by service providers, faith leaders, and health care professionals. And it is supported by prosecutors, judges, and law enforcement officials. It should be supported by all of us here in Congress.

The last two VAWA reauthorizations have appropriately—and carefully—expanded the scope of the law and improved it. This reauthorization is no exception. It applies the important lessons we have learned from those working in the field and renews our commitment to reducing domestic and sexual violence. Here is what the reauthorization does:

It ensures that funding will continue to go to the organizations and individuals who need help most. It places increased emphasis on responding to sexual assault, in addition to domestic violence. It does things like encourage jurisdictions to evaluate their rape kit inventories and reduce existing backlogs.

The reauthorization incorporates important accountability mechanisms. It consolidates programs to reduce duplication and unnecessary bureaucracy. And it reduces spending. Total annual authorization has been cut by 17 percent. The reauthorization also helps meet the needs of victims from communities that have had difficulty accessing traditional services, for example, because of their religion, sexual orientation, or gender identity. It helps tribal communities. It helps abused immigrants.

The reauthorization helps ensure that law enforcement officials have access to the tools they need by allowing for the ''recapture'' of a modest number of U visas. U Visas, for victims of crimes, are an important law enforcement tool. They may be granted only after law enforcement certification and only if a non-citizen is the victim of enumerated—and serious—crimes. Law enforcement officials across the country have advocated for increased accessibility to U Visas: In my home State of Illinois, Cook County State's Attorney Anita Alvarez said: ''Increasing the accessibility to U Visas will provide to prosecutors like me an important tool in protecting public safety.'' The Fraternal Order of Police wrote: ''The expansion of the U Visa program will provide incalculable benefits to our citizens and our communities at a negligible cost.''

I want to take a moment to discuss an important provision in this reauthorization that I authored, working with Senator LEAHY, to address an appalling situation taking place in our immigration detention facilities. We have heard about truly horrific instances of sexual assault occurring in immigration detention facilities.

A troubling episode of Frontline, the PBS program, detailed one woman's story in great detail recently. But that was hardly an isolated incident. As the National Prison Rape Elimination Commission has said: ''[A]ccounts of abuse by staff and by detainees have been coming to light for more than 20 years. As a group, immigration detainees are especially vulnerable to sexual abuse and its effects while detained . . . .''

The Prison Rape Elimination Act of 2003—''PREA''—aimed to eliminate the sexual abuse of those in custody. This was legislation, championed by Senator SESSIONS, that I cosponsored. Our goal, together, was to create a ''zero-tolerance'' policy for this intolerable behavior. Nobody behind bars should have to fear abuse from others in detention or from those meant to protect them. Simply put: sexual abuse is not, and cannot be, part of the punishment for those accused of violating our laws.

We are waiting on the Department of Justice's final National Standards to Prevent, Detect, and Respond to Prison Rape. But it is unclear to what extent those standards will be interpreted to apply to immigration detention facilities—as opposed to, say, facilities under the Bureau of Prisons. When we drafted and passed PREA, it was always our intent that it would apply to all those in detention—including immigration detainees.

It was important to me to have a provision that clarifies that standards to prevent prison rape must apply to immigration detainees. This provision requires that, in the absence of other steps, the Department of Homeland Security and the Department of Health and Human Services quickly adopt standards for the prevention and punishment of sexual assault in all facilities with immigration detainees.

Custodial sexual assault is just one of the many issues addressed by the Violence Against Women Act. I urge my colleagues to work with me to reauthorize this legislation. Previous VAWA reauthorizations have always had broad bipartisan support. This legislation is not Democratic or Republican. It is about protecting our communities from abuse and violence. This reauthorization that we are passing is an impressive product that carefully incorporates the expert feedback from those in the field.

The dozens of individuals who have been victimized since I stood up here today need our help now. Let's give it to them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate the work the leadership has done, and I know Senator MURRAY has been very involved with that too, and I appreciate her help in getting us to a point where we now have a unanimous consent to get to votes and we can finally pass this bill.

I think sometimes a bill like this is an abstract matter. It is not an abstract matter to the women's organizations that support it. It is not abstract to law enforcement who support it. And if I might speak personally for a moment, it is not an abstract matter to me.

The distinguished Presiding Officer and I come from probably the safest, lowest crime State in the country, but we both know that crimes do happen. We also know that in a rural State, oftentimes domestic violence is not reported. We don't talk about this outside the family. And I know that in some of those instances, when I had the privilege of serving as a prosecutor in Vermont, they didn't talk about it. I first heard about it usually in the morgue or at the great Fletcher Hospital. I learned about it because when the body was picked up, either the undertaker or the police or the ambulance driver realized this was not a natural cause, and then we would sort of roll the clock back. In rolling the clock back, we found that all these warning signals were there. There was nowhere for the victim to go. The things we now have were not there then.

I was able to prosecute a number of these people. In fact, I probably brought some of the first successful domestic violence prosecutions we had. But police and prosecutors will say that those are always after the fact.

So how do we stop this from happening in the first place? That is what the Leahy-Crapo Violence Against Women Reauthorization Act is about. It is there to stop the crime before the crime happens. This bill is based on months of work with survivors, advocates, and law enforcement officers from all across the country, of all political persuasions. I never knew a time

when somebody would come to a crime scene and say: Is this victim a Democrat or Republican, gay or straight, immigrant or not? We would say: How do we catch the person who did this?

We listened to what the survivors, advocates, and law enforcement officers told us. They told us what worked, what did not work, and what could be improved. Then we carefully drafted the legislation to fit these needs, and that is why our bill is supported by more than 1,000 Federal, State, and local organizations, service providers, law enforcement, religious organizations, and many more.

There is one purpose, and one purpose only, for the bill Senator CRAPO and I introduced and others cosponsored: It is to help and protect victims of domestic and sexual violence. Our legislation represents the voice of millions of survivors and advocates across the country. The same cannot be said with the Republican proposal brought forward in the last couple of days. That is why that proposal is opposed by such a wide spectrum of people and organizations.

Domestic and sexual violence knows no race, gender, ethnicity, or religion. Its victims can be your next door neighbor, your colleague, a fellow church member, or your child's teacher at school. The Violence Against Women Reauthorization Act seeks to ensure that services to help victims of domestic violence reach all victims, no matter who they are. That is why civil and human rights organizations like the NAACP, the Leadership Conference on Civil and Human Rights, Human Rights Watch, and End Violence Against Women International have urged Congress to act to reauthorize VAWA. I ask consent that these letters be printed in the RECORD.

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

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, April 25, 2012.

Re: NAACP Support for S. 1925, the reauthorization of the Violence Against Women Act (VAWA) and our opposition to weakening amendments

MEMBERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the NAACP, our nation's oldest, largest and most widely-recognized grassroots-based civil rights organization, I strongly urge you to support the speedy reauthorization of the Violence Against Women Act (VAWA), S. 1925. As you consider this legislation on the Senate floor, I further urge you to oppose any weakening amendments. Since it was first enacted in 1994, this important legislation has sought to improve community-based and criminal justice system responses to domestic violence, dating violence, sexual assault and stalking in the United States.

The NAACP strongly supported passage of the original VAWA in 1994, and since that time no other law has done more to stop domestic and sexual violence in our communities. The resources and training provided by VAWA have changed attitudes toward these reprehensible crimes, improved the response of law enforcement and the justice system, and provided essential services for victims struggling to rebuild their lives. It is a law that has saved and improved countless lives, and should clearly be reauthorized and strengthened. Within the United States, domestic violence related homicides have dropped significantly since the passage of VAWA.

On Wednesday, November 30, 2011 Senators Patrick Leahy (VT) and Mike Crapo (ID) introduced S. 1925, a bipartisan bill to reauthorize and improve VAWA. The NAACP has, through its Washington Bureau and in collaboration with the National Task Force to End Sexual and Domestic Violence Against Women, worked closely with these Senators to ensure that under S. 1925 VAWA will continue to fund programs which have proven themselves to be effective and that key changes will be made to streamline VAWA and make sure that even more Americans have access to safety, stability and justice.

In addition to supporting enactment of the VAWA in 1994, the NAACP has joined bipartisan supporters in reauthorizing this important legislation in 2000 and 2005. We have seen the VAWA change the landscape for victims in the United States who once suffered in silence. Victims of domestic violence, dating violence, sexual assault and stalking have now been able to access services, and a new generation of families and justice system professionals have come to understand that domestic violence, dating violence, sexual assault and stalking are crimes that our society will no longer tolerate.

I look forward to working with you to pass a strong reauthorization of the Violence Against Women Act to honor the memory of the women that have lost their lives and endured these atrocities and for the hope that this bill will continue to protect future generations of women. Thank you in advance for your attention to the NAACP position. Should you have any questions or comments, please do not hesitate to contact me at my office at (202) 463–2940.

Sincerely,

HILARY O. SHELTON,
Director, NAACP Washington Bureau & Senior Vice President, Advocacy and Policy.

Mr. LEAHY. These organizations recognize the impact VAWA has in reducing incidences of sexual and domestic violence in our country. Since its initial passage in 1994, no law has done more to combat domestic violence and sexual assault. Because of VAWA, victims have access to life-saving services. It is time that we ensure that all victims have access to these resources.

The National Task Force to End Sexual and Domestic Violence Against Women, which represents dozens of organizations across the country, says the substitute was drafted without input or consultation from the thousands of professionals engaged in this work every day.

The substitute includes damaging, nonworkable provisions that will harm victims, increase costs, and create unnecessary inefficiencies. I know it may be well-intentioned, but it is no substitute for the months of work we have done in a bipartisan way with the people across the country to bring this bill that is before us. Unfortunately, it undermines the core principles of the Violence Against Women Act. It resolves in abandoning some of the most vulnerable victims and strips out key provisions that are critically necessary to protect all victims, including immigrants, Native women, and victims in same-sex relationships. Again, a victim is a victim is a victim. We don't say: We can help you if you fit in this category. But sorry, battered woman, you are on your own because you fit in the wrong category. That is not the America I know and love.

The improvements in the bipartisan Leahy-Crapo Violence Against Women Reauthorization Act are taken out, and the Republican proposal is no substitute. It does nothing to meet the needs of victims. It undermines the focus of protecting women. It literally calls for removing the word ''women'' from the largest VAWA grant program. They are still victimized at far higher rates and with far greater impact on their lives than men. Shifting this focus away from women is unnecessary and harmful, and it could send a terrible message. There is no reason to turn the Violence Against Women Act inside out, to eliminate the focus on the victims the bill has always been intended to protect.

By contrast, our bipartisan bill does not eliminate the focus against women but increases our focus to include all victims of domestic violence and sexual assault.

I see others on the floor. I have far more I am going to say about this, and I am about to yield the floor in case others wish to speak.

Remember, this bill is the Violence Against Women Act. Let's not go away from that. It has been carefully put together with the best input we could get from law enforcement, from victims organizations, and, I must say, from some victims themselves. This is to protect those people. I have seen some crime scenes that I still have nightmares about decades later, and I can guarantee my colleagues that every prosecutor in this country and every police officer in this country who deals with these matters probably have the same kinds of nightmares.

Are we going to stop all violence against women with this act? Of course not. But as a result of having had this legislation in effect for years, the numbers have come down because there is a place to go, there are people to help, and there are people to stop the violence. That is what we want to do—not to be, as I was during those nights in the morgue, saying to the police: Let's find out who did this so we can catch them, but, rather, to stop them before it happens and to protect the people so they live. That is what we are trying to do. That is what this bill does.

I yield the floor.

Mr. GRASSLEY. Mr. President, I wish to commend my colleague from Texas, Senator HUTCHISON, for offering her substitute amendment to the Violence Against Women Act reauthorization bill. I am pleased to cosponsor her amendment. This amendment is vitally needed.

The Violence Against Women Act has always been reauthorized in the past on a bipartisan, consensus basis.

It would have been so easy to do so again.

All of us who support the amendment of the Senator from Texas are in agreement with 80 percent of the bill that is before us.

But the majority has decided to place a higher priority on scoring political points than on passing another consensus reauthorization of the law.

Recently, Vice President Biden asked what kind of message it would send to women if VAWA were allowed to expire.

He implied that a crisis would be at hand that must be avoided at all costs.

But the actual answer to his question is clear.

The majority party has already allowed VAWA to expire.

VAWA's reauthorization expired last October.

There has been no crisis of any kind because the appropriations for VAWA programs have kept flowing.

It is the majority, not us, that is responsible for the lapse in VAWA's authorization.

The way that the Judiciary Committee handled reauthorization this time has been very disappointing.

The majority insisted on including—and retaining—provisions that appear designed to provoke partisan opposition.

For instance, the majority insisted on giving Indian tribal courts criminal jurisdiction over non-Indian Americans for the first time in our country's history.

The committee held one hearing on reauthorizing this bill, and it devoted no attention to exploring how this provision would operate.

As a result, the committee described this provision in only four sentences in its report on the legislation.

We all recognize that domestic violence rates in Indian country are too high.

Both the committee-reported bill and the Hutchison-Grassley substitute contain provisions to address the problem.

But the majority cannot explain why expanding the power of tribal courts would be effective or how this would work.

Do the tribes have the resources and expertise and resources to comply with the Constitution?

How would the Federal courts' caseload be affected by all the new habeas petitions that would necessarily be filed if this became law?

What changes would occur in the existing relationships between Federal, State, and tribal law enforcement?

The majority has no idea whether this provision would help matters or not because it simply did not give this issue any careful attention.

Moreover, the Congressional Research Service has raised several constitutional issues that would be posed by this provision as it was reported from the committee.

These include due process, equal protection, fifth amendment grand jury and double jeopardy issues, as well as sixth amendment rights to counsel and a jury trial by one's peers.

At the eleventh hour before floor consideration, the majority has recognized the serious constitutional issues that were raised by the committee language.

It has changed the language in an effort to respond to the constitutional questions it had denied existed.

If we had had a hearing on these questions, matters could have proceeded differently.

These changes do not address the constitutional questions CRS posed about congressional power to recognize the inherent power of tribes to prosecute non-Indians, nor do they affect the inability of a defendant to appeal his conviction.

And, of course, they do not address the practical concerns that I have raised all along.

CRS also raises constitutional due process concerns regarding another section in the bill that would give tribal courts the authority to enforce protective orders. That section remains unchanged.

Ironically, the constitutional concerns about the criminal provisions are made more severe because the majority refused to eliminate language we asked them to omit.

Constitutional problems are made worse because the bill gives tribes criminal jurisdiction as part of their claimed inherent sovereignty.

Our substitute strikes the provisions.

Mr. President, I ask unanimous consent to have printed in the RECORD the relevant portions of the CRS analysis.

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

[From the Congressional Research Service, Apr. 13, 2012]

MEMORANDUM

To: Senate Judiciary Committee.

From: Jane M. Smith, Legislative Attorney, 7–7202.

Subject: State Jurisdiction over Indian country; Public Law 280; S. 1925's Provision for Tribal Court Jurisdiction to Issue Protection Orders and Due Process.

This memorandum is in response to your request for an explanation of state jurisdiction over Indian country; an explanation of how Public Law 280 affects that jurisdiction; and an analysis of whether the provision in S. 1925, the Violence Against Women Act Reauthorization Act (VAWA Reauthorization), concerning the jurisdiction of tribal courts to issue protection orders against ''all persons'' comports with the requirements of due process under the Constitution.

STATE JURISDICTION OVER INDIAN COUNTRY

In the absence of congressional authorization, state jurisdiction in Indian country depends on whether the conduct at issue involves non-Indians or Indians only.

CIVIL JURISDICTION OVER NON-INDIANS

Generally, states have civil jurisdiction over non-Indians in Indian country, unless that jurisdiction is preempted by federal law or is incompatible with the right of Indian tribes to govern themselves. In order to determine whether federal law preempts state jurisdiction over non-Indians, courts engage in ''a particularized inquiry into the nature of the state, federal, and tribal interests at stake, an inquiry designed to determine whether, in the specific context, the exercise of state authority would violate federal law.''

The courts:

examine[] the language of the relevant federal treaties and statutes in terms of both the broad policies that underlie them and the notions of sovereignty that have developed from historical traditions of tribal independence. This inquiry is not dependent on mechanical or absolute conceptions of state or tribal sovereignty, but has called for a particularized inquiry into the nature of the state, federal, and tribal interests at stake, an inquiry designed to determine whether, in the specific context, the exercise of state authority would violate federal law.

In order to determine whether state law applies to non-Indian conduct in Indian country, therefore, courts engage in a particularized weighing of the federal, tribal, and state interests at stake.

In Bracker, the Court considered whether the state could impose motor vehicle license and fuel taxes on the logging and hauling operations of a non-Indian contractor working for the tribe exclusively within the reservation. Finding that federal control over tribal timber was pervasive (''the Bureau of Indian Affairs exercises literally daily supervision over the harvesting and management of tribal timber''), the Court held that the state taxes were preempted by federal law. Preemption of state law can occur, therefore, not only when the state law violates federal law, but also when federal involvement with the activity is pervasive.

There is very little case law on when state jurisdiction interferes with the right of Indians to govern themselves. In Washington v. Confederated Tribes of the Colville Indian Reservation, the Supreme Court rejected the tribes' argument that because the tribal government generated substantial revenues from selling cigarettes without state taxes that imposing the state cigarette tax would infringe on their right to govern themselves. The Court noted the tribes' interest in governing themselves was strongest when the conduct at issue involved tribal members only and determined that the tribes did not have a legitimate interest in marketing an exception to state taxation. Because there is so little case law, it is not clear under what circumstances application of state law to non-Indians would interfere with a tribe's ability to govern itself.

CRIMINAL JURISDICTION OVER NON-INDIANS

Most states only have criminal jurisdiction over non-Indians committing crimes against other non-Indians in Indian country. The federal government has exclusive jurisdiction over non-Indians who commit crimes against Indians.

THE EFFECT OF PUBLIC LAW 280 ON STATE JURISDICTION OVER INDIAN COUNTRY

Public Law 280 gave to certain states criminal jurisdiction and civil adjudicatory jurisdiction over Indian country. ''[W]hen a State seeks to enforce a law within an Indian reservation under the authority of Pub. L. 280, it must be determined whether the law is criminal in nature, and thus fully applicable to the reservation . . ., or civil in nature and applicable only as it may be relevant to private civil litigation in state court.''

Whether a law is criminal or civil does not depend on whether the law carries criminal penalties. Rather, a law is criminal in nature if it prohibits an activity outright, and it is civil in nature if it allows the activity but regulates it. Thus, in California v. Cabazon

Band of Mission Indians, the Supreme Court held that even though California's gaming laws carried criminal penalties, they were civil in nature because they allowed certain kinds of gaming, but regulated them. Thus, states that have criminal jurisdiction over Indian country under Public Law 280 have criminal jurisdiction over all conduct by Indians and non-Indians which violates a state law that is prohibitory.

TRIBAL COURT JURISDICTION TO ISSUE CIVIL PROTECTION ORDERS UNDER S. 1925 AND DUE PROCESS

Section 905 of S. 1925 provides: ''a court of an Indian tribe shall have full civil jurisdiction to issue and enforce protection orders involving any person . . . in matters arising anywhere in the Indian country of the Indian tribe (as defined in section 1151) or otherwise within the authority of the Indian tribe.'' According to the Senate Report, this section is intended to make clear that tribal court jurisdiction covers all persons within the tribe's jurisdiction, including non-Indians.

THE INTENT BEHIND SECTION 905

Under current law, the general rule is that ''the inherent sovereign powers of an Indian tribe do not extend to the activities of nonmembers of the tribe.'' However, there are two exceptions to this rule. First ''[a] tribe may regulate, through taxation, licensing, or other means, the activities of nonmembers who enter consensual relationships with the tribe or its members through commercial dealing, contracts, leases, other arrangements.'' Second, ''[a] tribe may also retain inherent power to exercise civil authority over the conduct of non-Indians on fee lands within its reservation when that conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe.''

It appears that section 905 would expand a tribe's civil authority over non-Indians to enter protective orders. According to the Senate Report, section 905 is intended to ensure that the result in Martinez v. Martinez is not repeated. In Martinez, Mrs. Martinez, an Alaska Native who was not a member of the Suquamish Tribe, obtained from the Suquamish tribal court a protection order against her husband, a non-Indian. The Martinez family lived on non-Indian fee land located within the tribe's reservation. Mr. Martinez objected to the court's jurisdiction and sought an injunction against the tribal court in federal district court. The district court granted the injunction, finding the tribal court lacked jurisdiction over Mr. Martinez.

The federal court rejected the tribe's and Mrs. Martinez's argument that Congress had granted the tribal court jurisdiction to issue protection orders against non-Indians in 18 U.S.C. 2265(e). That section, which was in the Violence Against Women Act (VAWA), provides: ''Tribal court jurisdiction.—. . . a tribal court shall have full civil jurisdiction to enforce protection orders . . . in matters arising within the authority of the tribe.'' The court wrote:

The Court does not construe the provisions of the VAWA as a grant of jurisdiction to the Suquamish Tribe to enter domestic violence protection orders as between two non-members of the Tribe that reside on fee land within the reservation. There is nothing in this language that explicitly confers upon the Tribe jurisdiction to regulate non-tribal member domestic relations. The grant of authority simply provides jurisdiction ''in matters arising within the authority of the tribe.''

Tribal jurisdiction over non-members is highly disfavored and there exists a presumption against tribal jurisdiction. There must exist ''express authorization'' by federal statute of tribal jurisdiction over the conduct of non-members. For there to be an express delegation of jurisdiction over non-members there must be a ''clear statement'' of express delegation of jurisdiction.

Section 905, therefore, is apparently intended to provide such a delegation of authority to tribal courts to issue protection orders over non-members within the tribes' reservations or jurisdictions.

DUE PROCESS AND PERSONAL JURISDICTION

The Supreme Court has held that due process requires that a defendant have ''minimum contacts'' with a jurisdiction ''such that the maintenance of the suit [in the jurisdiction] does not offend traditional notions of fair play and substantial justice.'' There may be an issue with section 905 in that it would delegate to tribal courts jurisdiction over ''all persons,'' regardless of their contacts with the Indian tribe.

Taking section 905 literally, it does not appear to require that a person have minimum contacts with the tribe in order for the tribe to exercise jurisdiction over him or her to issue protection orders. Under section 905, the outcome of the Martinez case arguably would have been different: the tribal court would have had jurisdiction over Martinez, a non-Indian, even though he appears to lack contacts with the tribe—he was not married to a member of the tribe, did not work for the tribe, and lived on non-Indian fee land. There is an argument that the tribal court's exercise of jurisdiction over Mr. Martinez would ''offend traditional notions of fair play and substantial justice,'' because he may not have minimum connections to the tribe, and thus violate the due process clause of the Fifth Amendment.

Advocates of tribal jurisdiction would probably argue that because Mr. Martinez lived within the tribe's reservation he had sufficient minimum contacts with the tribe. However, Mr. Martinez lived on non-Indian fee land. Under United States v. Montana, as a matter of federal common law, tribes generally do not have jurisdiction over non-Indians on non-Indian fee land within the reservation, subject to the two exceptions. Therefore, it appears that residence by a non-Indian on non-Indian fee land within a tribe's reservation does not connect the resident to the tribe in a way to support tribal jurisdiction under the federal common law. It is not clear whether it would be sufficient to establish minimum contacts for the purposes of due process.

———

[From the Congressional Research Service, Apr. 18, 2012]

TRIBAL CRIMINAL JURISDICTION OVER NON-INDIANS IN THE VIOLENCE AGAINST WOMEN ACT (VAWA) REAUTHORIZATION AND THE SAVE NATIVE WOMEN ACT

(By Jane M. Smith, Legislative Attorney; Richard M. Thompson II, Legislative Attorney)

Domestic and dating violence in Indian country are at epidemic proportions. However, there is a practical jurisdictional issue when the violence involves a non-Indian perpetrator and an Indian victim. Indian tribes only have criminal jurisdiction over crimes involving Indian perpetrators within their jurisdictions. Most states only have jurisdiction over crimes involving a non-Indian perpetrator and a non-Indian victim within Indian country located in the state. Although the federal government has jurisdiction over non-Indian-on-Indian crimes in Indian country, offenses such as domestic and dating violence tend to be prosecuted with less frequency than other crimes. This creates a practical jurisdictional problem.

Legislation introduced in the 112th Congress, the Violence Against Women Reauthorization Act (S. 1925 and H.R. 4271) and the SAVE Native Women Act (S. 1763 and H.R. 4154), would recognize and affirm participating tribes' inherent sovereign authority to exercise special domestic violence jurisdiction over domestic violence involving non-Indian perpetrators and Indian victims occurring within the tribe's jurisdiction. It is not clear whether Congress has authority to restore the tribes' inherent sovereignty over non-members, or whether such authority would have to be a delegation of federal authority.

In a series of cases, the Supreme Court outlined the contours of tribal criminal jurisdiction. In United States v. Wheeler, the Court held that tribes have inherent sovereign authority to try their own members. In Oliphant v. Suquamish Indian Tribe, the Court held the tribes had lost inherent sovereignty to try non-Indians. The Court in Duro v. Reina determined that the tribes had also lost the inherent authority to try non-member Indians. In response to Duro, Congress passed an amendment to the Indian Civil Rights Act that recognized the inherent tribal power (not federal delegated power) to try non-member Indians. The Violence Against Women Reauthorization and the SAVE Native Women Act, would apparently abrogate the Oliphant ruling and ''recognize and affirm the inherent power'' of the tribes to try non-Indians for domestic violence offenses.

The Supreme Court stated in United States v. Lara that Congress has authority to relax the restrictions on a tribe's inherent sovereignty to allow it to exercise inherent authority to try non-member Indians. However, because of changes on the Court and, as Justice Thomas stated, the ''schizophrenic'' nature of Indian policy and the confused state of Indian law, it is not clear that today's Supreme Court would hold that Congress has authority to expand the tribes' inherent sovereignty. It may be that Congress can only delegate federal power to the tribes to try non-Indians.

The dichotomy between delegated and inherent power of tribes has important constitutional implications. If Congress is deemed to delegate its own power to the tribes to prosecute crimes, all the protections accorded criminal defendants in the Bill of Rights will apply. If, on the other hand, Congress is permitted to recognize the tribes' inherent sovereignty, the Constitution will not apply. Instead, criminal defendants must rely on statutory protections under the Indian Civil Rights Act. Although the protections found in these statutory and constitutional sources are similar, there are several important distinctions between them. Most importantly, if inherent sovereignty is recognized and only statutory protections are triggered, defendants may be subjected to double jeopardy for the same act; may have no right to counsel in misdemeanor cases if they cannot afford one; may have no right to prosecution by a grand jury indictment; may not have access to a representative jury of their peers; and may have limited federal appellate review of their cases.

Mr. GRASSLEY. Mr. President, to address the real problems of domestic violence among Native Americans, our substitute would permit tribes to petition for protective orders against non-Indians in Federal court.

The committee-reported bill did not respect due process in the area of accusations against college students.

Of course, allegations of sexual assault on campus should be taken as seriously as anywhere else.

But reputations can be ruined by false charges, so it is important that fairness in adjudications occur.

As a practical matter, the committee-reported bill imposed on these campus proceedings the standards of proof issued in a controversial proposed regulation by the Department of Education.

They were very weak and unfair.

Additionally, under the committee-reported bill, if the campus disciplinary authority exonerated the innocent even under the weak standard of proof, the accuser could appeal for another round of proceedings.

That just is not fair.

At the last minute, the majority has changed the first but not the second of these provisions.

Now, the investigation must be fair and impartial.

That is progress.

This change should have been made much earlier.

But the bill still allows a person who has been found innocent after a fair investigation to be pursued again at the victim's request.

Our substitute eliminates that unfairness.

The committee bill also mishandles immigration issues.

The one hearing the Judiciary Committee held presented testimony that fraud exists in the VAWA-self petitioning process.

We heard from victims who fell in love with foreign nationals, sponsored them for residency in the United States, only to be accused of abuse so that the foreign national could get a green card.

The chairman promised at the hearing to include language in the bill that would address this immigration fraud, but his bill fails to include anything of the sort.

Our substitute contains language that will reduce fraud and abuse by requiring an in person interview whenever possible with the applicant who alleges abuse.

We cannot allow people to misuse the VAWA self-petitioning process to obtain a green card.

The committee-reported bill also expands the number of U visas by tens of thousands without changing the rules by which they are issued.

Under current law, an individual may be eligible for a U visa if he or she has been or is likely to be helpful to the investigation or prosecution of a crime.

However, the requirements for a U visa are generous.

There is no requirement that an investigation be commenced as a result of the alien reporting the crime; there is no time period within which an alien has to report the crime; the crime could have occurred years before it is reported and there could be no way to identify the perpetrator; the alien seeking the ''U'' visa could even have a criminal record of their own.

Our substitute includes commonsense, best practices to ensure that U visas are truly used as a tool to fight crime.

The Hutchison-Grassley substitute amendment will better protect victims of domestic violence than does the underlying bill.

Hundreds of millions of dollars in grant money for domestic violence programs are distributed every year.

For that money to be effective, it must actually reach victims.

But too much of the money does not reach victims.

Excess amounts are spent on administrative expenses, conferences, and lobbying, and some is lost to waste, fraud, and abuse.

For example, since 1998, the inspector general has audited 22 individual VAWA grantees.

In those random audits, 21 were found to have unallowable costs, unsupported expenditures, or other serious deficiencies in how they expended taxpayer dollars.

That is millions of dollars that could have helped an untold number of victims but instead were lost.

Although some good accountability measures were included in the committee-reported bill, more are necessary.

The substitute amendment requires audits and includes mandatory exclusions for those who are found to have violated program rules.

It limits conference expenditures at the Justice Department and Health and Human Services Department unless there is proper oversight.

It prohibits lobbying by grantees, and it limits administrative expenses in the government's management of the grants.

Our substitute directs more money to victims of the most serious crimes than the committee bill by requiring 30 percent—not 20 percent—of the funds go toward sexual assault.

It directs that 70 percent of the funds for reducing rape kit backlogs actually be used for that purpose, not the mere 40 percent in the committee-reported bill.

The substitute protects victims in other ways that are not contained in the underlying bill.

It contains a 10-year mandatory minimum sentence for aggravated sexual abuse.

It imposes a mandatory minimum sentence of 1 year for possession of child pornography where the child depicted is under 12.

That does not go far enough, but it is a step in the right direction.

It is a consensus item that has passed the Judiciary Committee in the past with a strong bipartisan vote.

The alternative also creates a mandatory minimum sentence of 15 years for interstate domestic violence that results in death.

There are opponents of mandatory minimum sentences.

The leniency-industrial complex is active in this area as in others.

But we should not take too seriously the claims of opponents of the mandatory minimums that they take away judicial discretion.

They think that judges should be able to give any sentence they want on these crimes, even potentially no jail time at all.

Contrary to victims' groups, they fear that any requirement of jail time for these crimes will be counterproductive and lead to lower sentences.

But those same opponents support the grants for arrest in the committee-reported bill.

Unlike sentences, mandatory arrest policies tie the hands of law enforcement to take action against people who have not been convicted of anything.

They may reduce the likelihood that the police may be called in actual cases of domestic violence.

They may result in calls to the police by one person for leverage against another.

They may cause other negative unintended consequences as well.

Our substitute also gives the Marshals Service administrative subpoena authority to pursue unregistered sex offenders.

These are individuals who are required by law to register as sex offenders but fail to comply.

This is another provision that has enjoyed wide bipartisan support in the Judiciary Committee.

Victims will also be helped by the substitute's requirement of an audit of the Justice Department's use of the Crime Victims Fund.

When criminals are convicted and made to pay fines, these fines are placed in a fund for the sole purpose of assisting victims.

However, there are questions whether the Justice Department is spending these funds only for their one permitted use.

An audit is in order.

And the bill also includes a bipartisan provision to enable victims to receive restitution that is owed to them but has not been paid.

The IRS would be permitted to deduct the money from payments it would otherwise make to the perpetrator.

Mr. President, there is broad bipartisan support for reauthorizing the Violence Against Women Act.

The Hutchison-Grassley substitute would of the underlying bill reauthorize the 80 percent that enjoys that consensus.

It eliminates provisions that are not consensus and would not pass the other body and become law.

And it adds other provisions that are widely supported and would provide real benefits to victims of domestic violence.

I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, may I inquire as to how much time remains on this side of the aisle?

The PRESIDING OFFICER. There is 24 minutes remaining.

Mr. CORNYN. I ask unanimous consent to reserve 15 minutes for my remarks out of the 24 available, and if I could get some notice from the chair when we approach that. I may not use that much; I may yield it back.

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

Mr. CORNYN. Thank you, Mr. President. The Violence Against Women Act will be reauthorized, at least in the Senate, by bipartisan consensus today. There are some different versions that will be offered. I am sure each side thinks theirs is an improvement over the alternative, and I will leave to Senator HUTCHISON and Senator GRASSLEY to address the improvements they have made over the bill that came out of the Judiciary Committee and the alternative they have proposed.

AMENDMENT NO. 2086

(Purpose: To amend title 18 of the United States Code and other provisions of law to strengthen provisions of the Violence Against Women Act and improve justice for crime victims)

Mr. CORNYN. Mr. President, I rise to speak on an amendment I have offered, and I ask unanimous consent at this time to call up amendment No. 2086 and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, reserving the right to object, and I do not believe I will object, is this based on the unanimous consent agreement that was entered into by the two leaders? I ask, through the Chair, the Senator from Texas, is this amendment No. 2086?

Mr. CORNYN. That is correct.

Mr. LEAHY. I do not object.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN], for himself, Mr. KIRK, Mr. BENNET, Mr. MCCONNELL, and Mr. VITTER, proposes an amendment numbered 2086.

Mr. CORNYN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of Wednesday, April 25, 2012, under ''Text of Amendments.'')

Mr. CORNYN. This amendment I have offered in conjunction with Senator VITTER, Senator MCCONNELL, Senator MICHAEL BENNET from Colorado, and others is a bipartisan amendment which will make sure that more of the money contained in the funds the Congress appropriates to the Department of Justice will be used to test backlogged rape kit evidence that has not been tested. I know the jargon may be a little confusing, but basically what happens is when the law enforcement officials investigate a sexual assault, they take a rape kit to collect physical evidence and bodily fluids for DNA testing, among other types of tests.

It is a national scandal that we don't know how many untested rape kits there may be. In other words, criminal investigations take place where this critical evidence is acquired, but it never goes to a laboratory to be tested to identify the perpetrator of that sexual assault. It is estimated that there are as many as 400,000 untested rape kits across the country sitting either in laboratories or in police lockers, evidence lockers, that have not yet been forwarded for testing at a laboratory—400,000.

I heard a chilling statistic this morning from a young woman, Camille Cooper, who is the legislative director of an organization called PROTECT out of Knoxville, TN. This is an organization that commits itself to combating child sex crimes and to helping those victims get justice.

She said this morning in my presence that before law enforcement identifies a child sex crime perpetrator, on average they project as many as 27 children have already been sexually assaulted by this same person before law enforcement gets them on their radar. I mention that number—I can't vouch for the number, but I do trust her—I mention that because the reason these 400,000 estimated rape kits—critical evidence in a child or in an adult sexual assault case—if they are untested, that evidence cannot be used to then match up against the DNA data bank to get a hit to identify the perpetrator of the crime. By the nature of the crime, these are not one-time events. These are people who for some unknown reason tend to commit serial assaults against children and women. So it is even more necessary, more compelling, to identify them early because if we wait too long, we may either run into a statute of limitations and not be able to prosecute them for that crime but, even worse, in the interim, they are committing additional sexual assaults against other victims.

So it is absolutely critical that we get these rape kits tested—this physical evidence from sexual assault cases—as soon as we can and match it up against the DNA in these DNA data banks that are maintained by the FBI so we can identify the people who are committing these heinous crimes and get them off the streets sooner, so that future victims will be protected from those assaults. It is also important that a person who is suspected of one of these heinous crimes be exonerated if, in fact, the physical evidence will rule them out from having committed the crime.

My amendment to the underlying bill is included in the Hutchison-Grassley version. But in the event the Hutchison-Grassley version does not prevail today, I offer my amendment that will redirect more of the money—the $100 million that is appropriated by Congress under the Debbie Smith Act—to make sure this critical evidence is tested on a timely basis for the reasons I mentioned.

My amendment requires that at least 75 percent of the funds given out through grant programs by the Department of Justice be used for the core purpose of testing those rape kits. Also, 7 percent of those funds would be used to inventory the backlog.

To me, it is a scandal that we don't even know what the backlog consists of because there are actually two kinds of backlog cases: One is the case where the kit is already at the laboratory and it is a part of the backlog of the laboratory. But the hidden backlog consists of the rape test kits that are maintained in police lockers and have never been forwarded to the laboratory in the first place. Those are not typically part of this estimate of the backlog. The experts—the people who watch this area closely—estimate that if we count all of the untested kits that are evidence waiting for a laboratory to test them to match up with a perpetrator of these crimes, there could be as many as 400,000 of them untested by the labs in the backlog.

I know my colleague, Senator KLOBUCHAR, will be offering an alternative to my amendment. I ask unanimous consent to have printed in the RECORD at the end of my present remarks a letter from the Rape, Abuse and Incest National Network on those two competing amendments.

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

(See exhibit 1.)

Mr. CORNYN. I will not read the whole letter, which is addressed to me, but I will read parts of it:

I am writing to express RAINN's concern with the draft VAWA amendment by Sen. Klobuchar. Unlike the Cornyn amendment, we do not believe this draft amendment will make effective or positive improvements to the Debbie Smith Act.

Indeed, they conclude later in the letter:

Overall, we believe this amendment is largely symbolic and will not have the impact in reducing the backlog that we find in the Cornyn amendment.

Very quickly, there is no requirement in the Klobuchar amendment that audits actually have to be conducted. So, to me, that seems like a case of willful blindness to the size and scope of the backlogs and the problems.

There is no requirement in the Klobuchar alternative for a registry. In other words, there is no way the Department of Justice can make sure the money granted to law enforcement is actually used for the purpose for which the grant was intended, by creating a registry. In fact, the Klobuchar amendment actually diverts some of the funds from the core purpose of the Debbie Smith Act for the purpose of testing this critical evidence. It takes out a provision for administrative subpoenas to track unregistered sex offenders. It cuts some of the sentencing provisions in my amendment for people guilty of interstate child sex trafficking—children under 12 years of age—and it eliminates the sense-of-the-

Senate provision that I worked on with Senator MARK KIRK of Illinois condemning a Web site known as backpage.com, which has been identified in the New York Times and other places as a source of advertising for underage prostitution—something certainly worthy of our condemnation as a Senate.

So I will come back to talk about other aspects of this, but I hope my colleagues will look at the letter from RAINN, the largest antisexual violence organization in the United States, which says they believe the Klobuchar amendment is largely symbolic and does not do as much as the Cornyn amendment would to get at these perpetrators and to identify them for what they are.

EXHIBIT 1

RAPE, ABUSE & INCEST NATIONAL NETWORK,
Washington, DC, April 26, 2012.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SEN. CORNYN: I am writing to express RAINN's concern with the draft VAWA amendment by Sen. Klobuchar. Unlike the Cornyn amendment, we do not believe that this draft amendment will make effective or positive improvements to the Debbie Smith Act.

The Klobuchar amendment adds an additional purpose area to the Debbie Smith Act promoting inter-agency communication, potentially at the expense of reducing the backlog. Funds used for this section have the potential to be used for radios and other communication tools. While we can't speak to the need for such spending, we do know that this would not have a direct impact on the backlog and would not aid in solving cases. Unlike the Cornyn amendment, which nearly doubles the percentage of Debbie Smith funds that are spent on casework, this provision would divert money from labs and go against the congressional intent of the original bill.

In addition, this draft would allow the Justice Department to fund backlog audits, but would not designate funds specifically for that purpose. It would not establish a registry to allow the collection of data; would not establish any process for transparency; and would not provide the kind of comprehensive information that is needed to efficiently target Debbie Smith funds to the areas of greatest need. Finally, it strips out a number of provisions that were included at the request of law enforcement agencies, in order to ensure that their compliance would not be burdensome. The SAFER Act section of the Cornyn amendment has none of these defects, and has safeguards to ensure that funds spent on an audit and registry will not take away from funds spent on testing DNA evidence. Overall, we believe this amendment is largely symbolic and will not have the impact in reducing the backlog that we find in the Cornyn amendment.

RAINN is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotlines (800.656.HOPE and rainn.org), which have helped more than 1.7 million people since 1994. RAINN also carries out programs to prevent sexual assault, help victims, and ensure that rapists are brought to justice. For more information about RAINN, please visit www.rainn.org.

I appreciate your work on this issue, and encourage you to continue to push for adoption of the Cornyn amendment, which will make real, positive changes in the lives of victims.

Sincerely,

SCOTT BERKOWITZ,
President and Founder.

Mr. CORNYN. With that, Mr. President, I reserve the remainder of my time and yield the floor.

Mrs. HUTCHISON. Mr. President, what is the time allotment at present?

The PRESIDING OFFICER. The minority has 12½ minutes total.

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. The majority has 12 minutes.

The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to be here to join those of my colleagues who are urging that we come together this afternoon, and I am pleased we are going to see votes on the Violence Against Women Act to reauthorize the legislation as it has passed through the Judiciary Committee.

As we all know, domestic violence continues to be a serious problem across our country. In New Hampshire, nearly one in four women has been sexually assaulted. At least one-third of New Hampshire women have been victims of a physical assault by an intimate partner. More than one-half of all women in my State have experienced sexual or physical assault over the course of their lifetimes.

All of us share in an obligation to stop this epidemic, and VAWA is a proven tool in this fight. The real importance of this legislation lies not in the statistics but in hearing about those women who have been helped by the services that are provided by the Violence Against Women Act.

I have had a chance to visit several crisis centers around New Hampshire in the past few weeks, and I have met with the survivors and the advocates who depend on this funding. I went to a crisis center called Bridges in Nashua where I spoke with a survivor of domestic violence. She told me: When you are a victim of domestic violence, you think you are worthless. She said: There are so many times that I would have gone back to my abuser, except that I had the ability to call Bridges crisis line at 2 o'clock in the morning and talk to somebody who could help me so that I knew I was supported.

Because of the Violence Against Women Act, the Bridges program can operate and have a crisis line for 24 hours a day, 7 days a week. Because of the support she got through the Bridges program, this survivor is going back to college, she is free from abuse, and she is going to have a life that is saved because of programs that are supported by the Violence Against Women Act.

The law enforcement community has been very supportive of this legislation. They need this bill too. In New Hampshire, half of all murders are domestic violence related. I spoke to the chief of police in Nashua, our State's second largest city. He gets just $68,000 from the Violence Against Women Act funding, but that allows him to have a dedicated unit within the police department that can respond to domestic violence and sexual assault cases.

I heard from retired Henniker police chief Timothy Russell. He is a 37-year veteran in law enforcement, and he now travels around the State teaching police officers how to respond to domestic violence cases. It is funds from the Violence Against Women Act that allow him to conduct the specialized training so police officers can identify patterns of domestic abuse and prevent those situations from escalating. Officers are taught to maintain good relationships with crisis centers, and Chief Russell tells them: If you see a victim in trouble, get a counselor on the phone to talk to them. Tell them what their options are. Again, thanks to funding from the Violence Against Women Act, he has resources to bring this training throughout New Hampshire to police officers so they can help the victims.

I saw just this kind of cooperation and action when I visited the Family Justice Center in Rochester, NH, this week. They have made a multitude of services accessible in one place so victims do not have to go all over town or all over the county to get the help they need. They can see a counselor, get childcare assistance, and fill out an application for a protective order; women can even get their injuries treated and officially documented. They can get free legal help—all in this Family Justice Center, made possible by a Violence Against Women Act grant.

If we do not support this because it is the right thing to do—and I think it is—we should also support this legislation because it saves money. It is a cost-effective approach because, in addition to reducing crime, victims are less reliant on emergency rooms. They are less likely to need State assistance when they can connect with resources. They can get help with childcare and housing and get back on their feet and become productive citizens. This is the type of help every citizen deserves and ultimately makes us all safer.

I am also pleased to see there is particular language in this legislation that requires service providers to help any victim of domestic violence regardless of their race, religion, sexual orientation, or immigration status.

I think Sergeant Jill Rockey, whom I met when I was in Rochester at the Family Justice Center, put it best when she said:

> When someone calls for help in a domestic or sexual violence case, we don't ask if they are an immigrant or gay. We just go.

Well, hopefully, today we will respond in passing this bill with that same sense of urgency. Let's make sure we do not let victims, first responders, or our communities down. Let's give everyone the help they need and deserve. Let's pass this legislation today.

I yield the floor.

Mr. LEAHY. Mr. President, one of the hallmarks of the Violence Against

Women Act is the success it has had reducing violence against women across the country. Because we have made much progress over the past 18 years on domestic violence but have had less success with combating sexual assault, our bipartisan Leahy-Crapo bill takes important steps to increase the focus on sexual violence. As we were writing this bipartisan legislation, we consulted with the men and women who work with victims every day to develop a consensus bill that will help emphasize the need to further reduce the incidence of sexual assault. The administration and law enforcement groups like the National Association of Attorneys General, the National District Attorneys Association, the National Sheriffs' Association, and the International Association of Chiefs of Police understand and support our goals.

Unfortunately, while I do not doubt that Senator CORNYN shares our goals, the amendment he is offering can have the perverse affect of hindering progress on these issues. That is why there will be an amendment offering a better approach and a better way forward together. The alternative to the Cornyn amendment will allow us to make progress on to reduce the backlog in the testing of rape kits and other DNA samples, as I have always supported in the Debbie Smith Act. Accordingly, I will urge all Senators to reject the Cornyn amendment and support the alternative, which will complement the work we are doing by reauthorizing the Violence Against Women Act.

I point out that the provisions in the Cornyn amendment are duplicative of provisions in the Republican proposal offered by Senators HUTCHISON and GRASSLEY. The Senate is already voting on those provisions.

Further, Senator CORNYN, who is a member of the Judiciary Committee, did not offer his current amendment when the VAWA reauthorization was considered earlier this year. I offered an amendment on his behalf that the committee adopted on another issue.

Moreover, the separate issue of the Debbie Smith Act is part of a larger effort on which the Judiciary Committee is considering as we move to reauthorize the Justice for All Act that we passed with bipartisan support several years ago. Although we have made reduction of rape kit backlogs an additional use for which VAWA STOP grants funding may be used by State and local jurisdictions, this matter is on a separate legislative track.

I am not insisting or formality in this regard and have worked with other Senators on the alternative amendment that should be helpful to our goal of reducing the rape kit testing backlog. To make sure our work is successful, we will also need to pay careful attention to the standards for testing and the controversies surrounding those matters, however. Moreover, there is a risk of making money available that swamps the capacities for accurate testing. This is not as simply as throwing money at the problem. I have worked and remain hard at work on forensic reforms to ensure that our criminal justice system takes advantage of scientific advancements while remaining fair.

A concern with the Cornyn amendment is its mandating the diversion of 7 percent of Debbie Smith Act funding to create an unwieldy national database of rape kits. The amendment would also compel jurisdictions to undergo a burdensome process of entering information into that database without procedural safeguards to ensure its accuracy. These requirements would force state and local law enforcement to invest time and resources to comply with onerous and illogical reporting requirements and divert their focus from their core law enforcement mission of actually responding to calls and investigating sexual assault cases. It is no wonder that the National Association of Police Organizations opposes the Cornyn amendment.

The amendment also contains a number of criminal sentencing mandates that have no place in our VAWA bill. Victims' advocates like the National Task Force to End Sexual and Domestic Violence Against Women say its provisions ''would have a chilling effect on victim reporting and would not help hold perpetrators accountable.'' Victim advocates tell us that, particularly in cases where the perpetrator is known to the victim, these kinds of mandated sentences can deter victims from reporting the crimes and actually contribute to continuing abuse. Mandatory minimum sentences such as these also worsen prison overcrowding and budget crises at the Federal, State, and local level, and undermine our effective Federal sentencing system. The National Network to End Domestic Violence, the National Association to End Sexual Violence, the National Council Against Domestic Violence, and the National Congress of American Indians Task Force oppose these sentencing provisions.

There could be an extended Senate debate about whether mandatory minimums are good policy and the unintended consequence they may have of worsening abuse in domestic violence situations. That would be a long debate with strongly held views. That is not what the Violence Against Women Act is about. We should not complicate passage of this bipartisan measure with such matters beyond the scope and purpose of the bill. Such debates are for another time and other bills.

Our VAWA reauthorization bill should not be seen as a catch-all for all criminal proposals or sentencing mandates. There are other bills and other packages of bills that we are working on and hope to pass this year. Some may come up in the Justice for All Act is we are able to get Senate floor time for that measure. Some have come up on separate bills that are awaiting Republican clearance for Senate passage. Among those are a package of bills including the Strengthening Investigations of Sex Offenders and Missing Children Act, the Investigative Assistance for Violent Crimes Act, the Dale Long Public Safety Officers' Benefits Improvements Act, along with Finding Fugitives Sex Offenders Act from which the Cornyn Amendment takes its administrative subpoena provisions.

Let me turn to the Debbie Smith Act and a woman I admire very much. Debbie Smith is a survivor of a terrible crime who had to wait in terror for far too long before evidence was tested and the perpetrator was caught. She has worked tirelessly to make sure that other victims of sexual assault do not have to endure similar ordeals. I have been a proud supporter of the Debbie Smith DNA Backlog Grant Program since its creation, and I have worked with Senators of both parties, including Senators MIKULSKI and HUTCHISON on the Appropriations Committee, to see that it receives as much funding as possible each year. As I noted, although its authorization does not expire until 2014, I included an extension of its reauthorization in the Justice For All Reauthorization Act I introduced earlier this year. The Debbie Smith DNA Backlog Grant Program has been very successful in reducing evidence backlogs in crime labs, particularly in sexual assault cases. That is why I am glad that the alternative amendment will allow us to ensure that the program is authorized through 2017 at a level of $151 million a year.

Unfortunately, disturbing reports have emerged of continuing backlogs, with some cities finding thousands of untested rape kits on police department shelves. That means that there is more need than ever for the Debbie Smith Act but also that there must be increased emphasis on reducing law enforcement backlogs, where there has been less progress. That is why it is so important that alternative to the Cornyn amendment expands the Debbie Smith Act to allow law enforcement to obtain funding for the collection and processing of DNA evidence. Law enforcement burden is one of the key bottlenecks in the process at present. In contrast to the Cornyn amendment, the alternative calls for new national best practices and protocols for law enforcement handling of rape kits and for Justice Department assistance to law enforcement in addressing this continuing problem. This will help to make real progress in overcoming the last major hurdles in reducing backlogs of rape kits.

The amendment takes steps to ensure that more of the Debbie Smith Act funds are used directly for DNA evidence testing to reduce backlogs. That will make this key program even quicker and more effective in reducing backlogs. The Debbie Smith program is an important tool in the fight against sexual assault, and I hope all Senators will join us in reauthorizing and

strengthening it by rejecting the Cornyn amendment in favor of the alternative.

As I have said during this debate, we must do more to reduce sexual assault, and the bipartisan Leahy-Crapo bill focuses on that goal. I believe that Senator CORNYN's amendment will distract from the progress that is most helpful to victims, despite his good intentions. I urge Senators to vote against the Cornyn amendment and support the alternative to expedite improvements to the Debbie Smith Act to reduce the backlog of untested rape kits and other DNA evidence.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Texas.

AMENDMENT NO. 2095

(Purpose: In the nature of a substitute)

Mrs. HUTCHISON. Madam President, I rise to speak on behalf of my substitute amendment along with Senator GRASSLEY and other cosponsors, and I call up the amendment, No. 2095.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. GRASSLEY, Mr. MCCONNELL, Mr. CORNYN, Mr. KYL, Mr. ALEXANDER, Mr. MORAN, and Mr. CORKER, proposes an amendment numbered 2095.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

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

Mrs. HUTCHISON. Madam President, the substitute amendment is a bill that takes the good parts and the important parts of the reauthorization of the Violence Against Women Act that I think are universal—the parts that have passed unanimously through Congress in recent years, starting 16 years ago—but the substitute also strengthens the bill. I am glad we are going to get a chance to vote on something that will strengthen it because there are some areas where the underlying bill is not as strong as our substitute bill, amendment No. 2095, would be, especially in the area of abuse of children and child pornography and child sex trafficking. This is our most vulnerable victim: the child who is abused.

I want to read from some of the national organizations for victims as they write about this important aspect which is included in our bill but not covered as well in the underlying bill.

The National Center for Missing and Exploited Children, with whom I have worked to try to get the AMBER Alert system to be relevant across State lines—where we have actually saved, we believe, 550 children who have been abducted and taken across State lines—because of the quick action of the AMBER Alert system, they have been able to be safely brought back home. The National Center for Missing and Exploited Children says:

. . . possession of child pornography is a serious crime that deserves a serious sentence. Therefore, we support a reasonable mandatory minimum sentence for this offense.

As we have . . . testified, child protection measures must also include the ability to locate non-compliant registered sex offenders. . . . The U.S. Marshals Service is the lead federal law enforcement agency for tracking these fugitives. Their efforts would be greatly enhanced if they had the authority to serve administrative subpoenas. . . .

Now, that is key because it is covered in our substitute. It is covered in Senator CORNYN's amendment. It is not covered in either the underlying Leahy bill nor in Senator KLOBUCHAR's side-by-side. So this is a major area of strengthening that this very important victims' rights organization is supporting.

Shared Hope International is another children's advocate organization that says:

Child pornography is one form of child sex trafficking and is too often intertwined with the other forms of sexual exploitation, which include prostitution and sexual performance. Stiffer penalties will bring greater deterrence and justice for the victims.

Then, RAINN, which is the largest victims' rights organization for sexual assault, says:

Thank you . . . for including the SAFER Act—

Which is Senator CORNYN's amendment.

. . . . We are grateful for your leadership in the battle to prevent sexual violence and prosecute its perpetrators.

Then, PROTECT also says:

. . . the apologists for child pornography traffickers deny the pain and harm done by possessors of these images.

They go on further to say:

. . . ''simple processors''—

Which would mean people who have this and have it on their computers and sell it—

fuel the market for more and more crime scene recordings of children being raped, tortured and degraded.

Now, these are people who are for the Cornyn amendment, and they are for the protection we have in the substitute.

It is so important we strengthen this area to try to protect our most vulnerable victims. That is one area where strengthening can make such a difference. The Marshals Service being able to have administrative subpoenas will allow them to track even known sexual predators who have fled and you have a hard time finding them.

I gave an illustration this morning of two children who were abducted by a known sexual predator, but they did not have the administrative ability to find that sexual predator, and he ended up killing one of the children, the children's mother, the mother's boyfriend, and another relative.

In the underlying bill, the mandatory sentences are days. We have a minimum mandatory 1-year sentence for a crime of having pornography that shows 8- to 10-year-old girls being raped. Now, I would think a 1-year minimum sentence for that kind of promotion of this degradation of children would be something all of us could support.

I heard people on the floor say our substitute does not fully cover some areas, such as Indian women. Well, our bill assures that Indian women are going to have the protections in a constitutional way so the bill is not thrown out. Indian women on reservations are particularly vulnerable, and my colleague, Senator MURKOWSKI, has told me that in Alaska they do not have reservations to a great extent, but they do have a record of abuse of Indian women, and we need to protect them.

We do it in a constitutional way in our substitute, and I think that protection is very important. It has been determined by several organizations—criminal justice organizations—that the underlying bill is not constitutional and would not work for Indian women.

It has been asserted on the Senate floor that we do not protect victims of same-sex sexual violence, but we do. We neutralize in our bill any reference or discrimination. In fact, I will read the language of our bill:

No person in the United States shall on the basis of actual or perceived race, color, religion, national origin, sex, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under [this act].

We cover every person who is a victim under this bill. I have been made aware through very sad stories of the need to protect men as well, as victims of same-sex domestic violence. Men who have been gang raped are less likely to report it because of a shame they feel, and it is a different aspect than we have dealt with in previous Violence Against Women Act bills. But it is real and we do need to cover that. We do in the substitute bill, absolutely fully. We cover victims of domestic violence in our bill, and that is what is important to all of us.

Immigrant women who are illegal have the same protections they have had in every Violence Against Women Act that has been passed over the last 16 years. So we do not change that. We do not change the authorization levels.

So all of these—along with our strengthening of the bill with the Marshals Service's ability to get administrative subpoenas, as well as the minimum sentences that are so very important—make our bill the right alternative.

I have said before that I feel so strongly about this issue that I intend to vote for, of course, my amendment, which I think is strengthening; most certainly for Senator CORNYN's amendment, which is a strengthening amendment to the underlying bill—it is included in our substitute as well; Senator CORNYN is another cosponsor, as is

Senator MCCONNELL, of the substitute—but I intend to vote for the underlying bill even with its flaws because I wish to make sure there is no cutting off of the aspect of this most important legislation because of the time limit of our action.

The PRESIDING OFFICER. The minority has 3 minutes remaining reserved for the junior Senator from Texas.

Mrs. HUTCHISON. If the Senator wishes to speak further, I am happy to yield.

Mr. CORNYN. I will be glad to yield to Senator HUTCHISON 2 of these 3 minutes remaining.

Mrs. HUTCHISON. I thank the Senator. I would just say I have had a long record in this area. When I was a member of the State legislature, Texas passed the most far-reaching protection for victims of rape in the whole country. I was the lead sponsor of that bill. When we passed it in 1975, it then became the model other States used to strengthen the laws to help these victims.

One day, just in this last year, I was at a grocery store in Dallas, TX. A woman came up to my truck I was driving, knocked on the window. I had no idea what she was going to say, but I rolled down the window. She said: Senator HUTCHISON, thank you for the bill you passed in Texas in 1975—because I was a victim of rape, and I would not have gone forward without your protections. But I did and that man was sent to prison.

That is what we are here for, and that is why I have this strong substitute.

The PRESIDING OFFICER. The junior Senator from Texas.

Mr. CORNYN. Madam President, I have letters in support of the legislation we have talked about, the SAFER amendment, the alternative to the Klobuchar amendment, from the National Center for Missing and Exploited Children, from Arrow Child and Family Ministries, from the Rape, Abuse and Incest National Network, and from PROTECT. I ask unanimous consent that all those letters be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. CORNYN. I wish to talk about one aspect of Senator HUTCHISON's legislation that is also included in my stand-alone amendment. This is the administrative subpoena authority. Because this has been taken out of the Klobuchar alternative, it is not in underlying Leahy bill.

What happens is sex offenders are required to register. If they do not register, they are much more likely to commit future acts of sexual assault and abuse, particularly against children. As a matter of fact, one of the biggest indicators that someone is likely to reoffend is when they do not register. So what the Hutchison bill does, what my bill does, is give U.S. marshals the administrative subpoenas to collect records and information to help identify these unregistered sex offenders and to protect future victims from their sexual assault.

Because if they are registered, if they are identified, they are much less likely to reoffend and commit further acts of sexual abuse. We all want to see this legislation pass. But I would just reiterate for my colleagues' benefit, the letter we received from the Rape, Abuse and Incest National Network that said the alternative to my amendment that will be offered—that the alternative is largely symbolic and will not have the impact of reducing the impact we find in the Cornyn amendment.

I would ask my colleagues to support the amendment and to support certainly Senator HUTCHISON's amendment. I commend her for her great work on this subject.

EXHIBIT 1

NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN,
Alexandria, VA, April 26, 2012.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: As you know, the National Center for Missing & Exploited Children (NCMEC) addressed the issue of sentencing for federal child pornography crimes in our testimony before the Senate Judiciary Committee in March 2011. The 1.4 million reports to NCMEC's CyberTipline, the Congressionally-authorized reporting mechanism for online crimes against children, indicate the scope of the problem. These child sex abuse images are crime scene photos that memorialize the sexual abuse of a child. Those who possess them create a demand for new images, which drives their production and, hence, the sexual abuse of more child victims to create the images.

Despite the heinous nature of this crime, the federal statute criminalizing the possession of child pornography has no mandatory minimum sentence. This, combined with the advisory nature of the federal sentencing guidelines, allows judges to impose light sentences for possession. Congress passed mandatory minimum sentences for the crimes of receipt, distribution, and production of child pornography. We don't believe that Congress intended to imply that possession of child pornography is less serious than these other offenses. NCMEC feels strongly that possession of child pornography is a serious crime that deserves a serious sentence. Therefore, we support a reasonable mandatory minimum sentence for this offense.

As we have previously testified, child protection measures must also include the ability to locate non-compliant registered sex offenders—offenders who have been convicted of crimes against children yet fail to comply with their registration duties. The U.S. Marshals Service is the lead federal law enforcement agency for tracking these fugitives. Their efforts would be greatly enhanced if the had the authority to serve administrative subpoenas in order to obtain Internet subscriber information to help determine the fugitives' physical location and apprehend them.

Thank you for your efforts to protect our nation's children.

Sincerely,

ERNIE ALLEN,
President and CEO.

ARROW CHILD & FAMILY MINISTRIES,
April 25, 2012.

DEAR SENATOR CORNYN: Arrow Child & Family Ministries supports the proposed ''Justice for Victims Amendment'' to S. 1925. VAWA Reauthorization is of critical importance to victims of sexual assault, stalking, domestic and dating violence and your proposed amendment will provide additional protections and accountability to victims.

As a provider of foster care services in Texas, California, Pennsylvania and Maryland, Arrow sees first-hand the impact domestic and sexual violence has on families and society's youngest victims—children. Arrow is also engaged in helping victims of child sex trafficking with the opening of Freedom Place, a long-term comprehensive care facility located in Texas for underage American girls who have been bought and sold as sex slaves. The average age of these girls is 12 to 13 years old. Once they become victims, their life expectancy is only seven years. This is not just an international problem. Thousands of girls and boys from towns and cities across America are victims. In fact, according to the National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children, an estimated 1 out of every 3 children who run away is lured into sex trafficking within 48 hours of leaving home.

Our children are in crisis and we thank Senator Cornyn for his willingness to toughen sentencing for some of the worst sex offenders, and call on Backpage.com to remove part of its website that has been linked to child sex trafficking.

Respectfully,

MARK TENNANT,
Founder and CEO.

RAPE, ABUSE & INCEST NATIONAL NETWORK,
Washington, DC, March 23, 2012.

Hon. JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SEN. CORNYN: I am writing to express RAINN's strong support for the Justice for Victims Amendment, which will strengthen the Violence Against Women Reauthorization Act and have a tremendously positive impact on how our nation's criminal justice system responds to—and prevents—sexual violence.

One out of every six women and one in 33 men are victims of sexual assault—20 million Americans in all, according to the Department of Justice. Rapists tend to be serial criminals, often committing many crimes before they are finally caught; and only about 3% of rapists will ever spend a single day in prison.

First, this amendment will help eliminate the DNA evidence backlog by ensuring that 75% of DNA spending goes directly to solve cases, a big improvement over current practice. It will also establish the Sexual Assault Forensic Evidence Registry, which will bring transparency, efficiency and accountability to the DNA backlog problem and allow policymakers to closely track local backlogs and prioritize testing. The amendment will also ensure that criminals convicted of severe crimes of violence against women receive a just punishment, and ensure that fugitive sex offenders are swiftly identified and located. If enacted, these provisions will lead to more successful prosecutions, more violent criminals behind bars, and safer communities.

RAINN is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotlines (800.656.HOPE and rainn.org), which have helped more than 1.6 million people since 1994. RAINN also carries out programs

to prevent sexual assault, help victims, and ensure that rapists are brought to justice. For more information about RAINN, please visit www.rainn.org.

Thank you for introducing the Justice for Victims Amendment. We believe this amendment will greatly enhance VAWA and result in a stronger, more effective bill. We are grateful for your unflagging leadership in the battle to prevent sexual violence and prosecute its perpetrators, and we look forward to working with you to encourage passage of this important amendment and to reauthorize VAWA.

Sincerely,

SCOTT BERKOWITZ,
President and Founder.

PROTECT,
Knoxville, TN, April 16, 2012.

Hon. JOHN CORNYN,
517 Hart Senate Office Bldg.,
Washington, DC.

DEAR SENATOR CORNYN: I am writing to express PROTECT's strong support for the Justice for Victims Amendment.

This amendment to the Violence Against Women Act will create needed penalty enhancements for several crimes, including child trafficking and domestic violence. It would also begin to address the nation's outrageous and unacceptable backlog of rape kits, by reforming how the Justice Department allocates existing resources.

PROTECT has members in all 50 states and around the world. As you know, we have focused on addressing the magnitude of online child exploitation. The PROTECT our Children Act of 2008, which we initiated (and which had 61 Senate sponsors) exposed the magnitude of this problem both domestically and abroad and mandated increased transparency and accountability by the U.S. Department of Justice and the agencies it funds.

We also want to thank you for including an important provision granting the US Marshals Service administrative subpoena power to track unregistered sex offenders. Since 1993, the national trend to use public registration in lieu of meaningful containment and supervision has threatened community safety. Aggressively pursuing those who fail to comply is thus an especially valuable public safety strategy. PROTECT is intimately familiar with the work of the Service and can attest to the hard work and success that office has tracking and apprehending child predators.

We thank you for continued leadership in the battle to protect American Children. The Justice for Victims Amendment is a much-needed advance in this battle. We look forward to working with you to secure passage of this amendment to champion the re-authorization of VAWA.

Sincerely,

GRIER WEEKS,
Executive Director.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, how much time is remaining on each side?

The PRESIDING OFFICER. There is 6 minutes 20 seconds for the majority.

Mr. LEAHY. How much on the other side?

The PRESIDING OFFICER. Zero.

Mr. LEAHY. Mr. President, the Leahy-Crapo Violence Against Women Reauthorization Act is based on months of work with survivors, advocates, and law enforcement officers from all across the country.

We listened when they told us what was working and what could be improved. We took their input seriously, and we carefully drafted our legislation to respond to those needs.

Our bill is supported by more than 1,000 Federal, State, and local organizations. They include service providers, law enforcement, religious organizations, and many, many more.

There is one purpose and one purpose only for the bill that Senator CRAPO and I introduced, and that is to help and protect victims of domestic and sexual violence. Our legislation represents the voices of millions of survivors and their advocates all over the country.

The same cannot be said for the Republican proposal brought forward in these last couple of days. That is why the Republican proposal is opposed by so many and such a wide spectrum of people and organizations.

The National Task Force to End Sexual and Domestic Violence Against Women, which represents dozens of organizations from across the country says: ''The Grassley-Hutchison substitute was drafted without input or consultation from the thousands of professionals engaged in this work every day.

The substitute includes damaging and unworkable provisions that will harm victims, increase costs, and create unnecessary inefficiencies.'' Although well-intentioned, the Republican proposal is no substitute for the months of work we have done in a bipartisan way with victims and advocates from all over the country.

I regret to say that the Republican proposal undermines core principles of the Violence Against Women Act. It would result in abandoning some of the most vulnerable victims and strips out key provisions that are critically necessary to protect all victims—including battered immigrants, Native women, and victims in same sex relationships.

The improvements in the bipartisan Leahy-Crapo Violence Against Women Reauthorization Act are gone from the Republican proposal. It is no substitute and does nothing to meet the unmet needs of victims.

The Republican proposal fundamentally undermines VAWA's historic focus on protecting women. It literally calls for removing the word ''women'' from the largest VAWA grant program. Women are still victimized at far higher rates, and with a far greater impact on their lives, than men. Shifting VAWA's focus away from women is unnecessary and harmful.

The Republican proposal would send a terrible message. There is no reason to turn the Violence Against Women Act inside out and eliminate the focus on the victims the bill has always been intended to protect.

Our Leahy-Crapo bipartisan bill, by contrast, does not eliminate the focus on violence against women, but increases our focus to include all victims of domestic violence and sexual assault.

The Republican proposal strips out critical protections for gay and lesbian victims. The rate of violence in same sex relationships is the same as the general population, and we know that victims in that community are having difficulty accessing services.

To strip out these critical provisions is to turn our backs on victims of violence. That is not the spirit of VAWA. We understand that a victim is a victim is a victim, and none of them should be excluded or discriminated against.

The Republican proposal would extend and institutionalize that discrimination. The Republican proposal should be rejected.

The Republican proposal also fails to adequately protect Tribal victims. Domestic violence in tribal communities is an epidemic. Four out of five perpetrators of domestic or sexual violence on Tribal lands are non-Indian and currently cannot be prosecuted by tribal governments.

If you need more convincing of this problem, listen to the senior Senator from Washington and the Senators from New Mexico, Montana, Alaska and Hawaii who have spoken so compellingly to the Senate about these concerns and who strongly support the provisions in the bipartisan Leahy-Crapo bill.

The Republican proposal is no real alternative to fix the jurisdictional loophole that is allowing the domestic and sexual violence against Native women to go undeterred and unremedied. Its proposal offers a false hope, a provision that purports to allow a tribe to petition a Federal court for a protective order to exclude individuals from tribal land. It does not even allow the victim herself to request the order, and it does nothing to ensure that a violent offender is held accountable.

This is a false alternative. It is not what the Justice Department has suggested. It is not what the Indian Affairs Committee has supported. It will do next to nothing and is no answer to the epidemic of violence against Native women.

The Republican proposal also abandons immigrant victims and disregards law enforcement requests for additional U visas, a law enforcement tool that encourages immigrants to report and help prosecute crime. To the contrary, the Republican proposal would add dangerous restrictions on current U visa requirements that could result in that tool being less effective.

The U visa process already has fraud protections. For law enforcement to employ U visas, law enforcement officers must personally certify that the victim is cooperating with a criminal investigation. The new restrictions the Republican proposal seeks to add will discourage victims from coming forward and will hinder law enforcement's ability to take violent criminals off the street.

I will be offering an amendment to offset the minimal additional costs associated with our increasing the number of U visas that can be used. With

that amendment the bipartisan Leahy-Crapo bill will not ''score'' and will be deficit neutral.

The Republican proposal also would add burdensome, unnecessary and counterproductive requirements that would compromise the ability of service providers to maximize their ability to reach victims. In contrast, the bipartisan Leahy-Crapo accountability provisions ensure the appropriate use of taxpayer dollars without unnecessary regulatory burdens.

It is all the more ironic that the Republican proposal would add massive, new bureaucratic requirements to service providers who are understaffed and operating on shoestring budgets like most small businesses and nonprofits. These requirements are unnecessary and would add significant costs to victim service providers, undercutting their ability to help victims.

It is easy to call for audits, but without proper resources and focus, such demands could be counterproductive and lead to decreased accountability. The bipartisan Leahy-Crapo bill, by contrast, includes targeted accountability provisions.

While I have been willing to accommodate improvements to this legislation from day one, I have also been clear that I will not abandon core principles of fairness. Regrettably, that is what the Republican proposal would result in doing. It would undermine the core principle of VAWA to protect victims—all victims—the best way we know how. Our bill is focused on VAWA and improvements to meet the unmet needs of victims.

It is not a catch-all for all proposals for criminal law reform, for sentencing modifications. There are other bills and other packages of bills that we are working on and hope to pass this year. We should not complicate passage of this bipartisan measure with such matters beyond the scope and purpose of the bill. Such debates are for another time and other bills.

I urge all Senators to join together to protect the most vulnerable victims of violence, including battered immigrant women assisting law enforcement, Native American women who suffer in record numbers, and those who have traditionally had trouble accessing services.

A victim is a victim is a victim. They all deserve our attention and the protection and access to services the bipartisan Leahy-Crapo bill provides.

The path forward is to reject the Republican proposal, which is no alternative to the bipartisan Leahy-Crapo bill. Let us move forward together to meet the unmet needs of victims.

I would just say that the Leahy-Crapo bill does not eliminate the focus on violence against women; it protects women, unlike the Republican proposal which strips out so many aspects.

Our bill is inclusive. Theirs is exclusive. A victim is a victim is a victim. We do not exclude anybody. As the distinguished Senator from New Hampshire said earlier today: They do not ask who the victim is when there is a victim.

With my remaining time, I yield 2 minutes to the Senator from New Jersey and the remaining time to the Senator from Minnesota, Ms. KLOBUCHAR.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I wish to salute the distinguished chairman of the Judiciary Committee for the incredible work he has done to bring us to this moment.

I held a roundtable in New Jersey with about 35 organizations that deal with the challenge of violence against women. They unequivocally expressed their support for what we are doing here today and the importance in the lives of women whom they deal with every day.

I know my friends on the other side of the aisle are trying to strip provisions that protect women from discrimination and abuse in certain categories. In my view, violence against any woman is still violence. The Nation has been outraged about violence against women for almost two decades. We have seen the violence. We continue to fight against it. We have tried to end it. In my mind, there is no doubt—and I would find it very hard to understand why anyone would stand in the way of denouncing violence against any woman, no matter who they are, no matter what their class is.

I am hard-pressed to understand why anyone would choose to exclude violence against certain women; turn back the clock to a time when such violence was not recognized, was not a national disgrace, and make a distinction when and against whom such violence meets our threshold of outrage. In my mind, there can be no such threshold, no such distinction. Violence against any woman is an outrage, plain and simple.

The reauthorization of the Violence Against Women Act does not just affect those who are here or might become victims of sexual violence or domestic violence; it affects all of us. Nearly one in five women report being the victim of a rape or an attempted rape. One in six report being stalked. One in four women report having been beaten by their partner. Of those who report being raped, 80 percent report being raped before the age of 25.

The short-term physical and emotional trauma of such an event cannot be overstated. That is why it is critical we pass VAWA as the committee has moved forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 2094 TO AMENDMENT NO. 2093

Ms. KLOBUCHAR. Madam President, I call up amendment No. 2094.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Ms. KLOBUCHAR] proposes an amendment numbered 2094 to amendment No. 2093.

Ms. KLOBUCHAR. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide Debbie Smith grants for auditing sexual assault evidence backlogs)

At the appropriate place, insert the following:

SEC. ____. DEBBIE SMITH GRANTS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a), by adding at the end the following:

''(6) To conduct an audit consistent with subsection (n) of the samples of sexual assault evidence that are in the possession of the State or unit of local government and are awaiting testing.

''(7) To ensure that the collection and processing of DNA evidence from crimes, including sexual assault and other serious violent crimes, is carried out in an appropriate and timely manner.

''(8) To ensure effective communication among emergency response providers, law enforcement personnel, prosecutors, courts, defense counsel, crime laboratory personnel, and crime victims regarding the status of crime scene evidence to be tested.'';

(2) in subsection (c)(3)(B)—

(A) by striking ''2014'' and inserting ''2017''; and

(B) by striking ''40'' and inserting ''70'';

(3) by striking subsection (j) and inserting the following:

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for grants under this section $151,000,000 for each of fiscal years 2013 through 2017.''; and

(4) by adding at the end the following:

''(n) USE OF FUNDS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.—

''(1) ELIGIBILITY.—The Attorney General may award a grant under this section to a State or unit of local government for the purpose described in subsection (a)(6) only if the State or unit of local government—

''(A) submits a plan for performing the audit of samples described in such subsection; and

''(B) includes in such plan a good-faith estimate of the number of such samples.

''(2) GRANT CONDITIONS.—A State or unit of local government receiving a grant for the purpose described in subsection (a)(6) shall, not later than 1 year after receiving such grant, complete the audit described in paragraph (1)(A) in accordance with the plan submitted under such paragraph.

''(3) EXTENSION OF INITIAL DEADLINE.—The Attorney General may grant an extension of the deadline under paragraph (2)(A) to a State or unit of local government that demonstrates that more time is required for compliance with such paragraph.

''(4) DEFINITIONS.—In this subsection:

''(A) AWAITING TESTING.—The term 'awaiting testing' means, with respect to a sample of sexual assault evidence, that—

''(i) the sample has been collected and is in the possession of a State or unit of local government;

''(ii) DNA and other appropriate forensic analyses have not been performed on such sample; and

''(iii) the sample is related to a criminal case or investigation in which final disposition has not yet been reached.

''(B) POSSESSION.—

''(i) IN GENERAL.—The term 'possession', used with respect to possession of a sample of sexual assault evidence by a State or unit of local government, includes possession by an individual who is acting as an agent of the State or unit of local government for the collection of the sample.

''(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to create or amend any Federal rights or privileges for non-governmental vendor laboratories described in regulations promulgated under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131).

''(o) DEVELOPMENT OF PROTOCOLS AND PRACTICES.—

''(1) PROTOCOLS AND PRACTICES.—Not later than 18 months after the date of enactment of the Violence Against Women Reauthorization Act of 2011 the Director of the National Institute of Justice, in consultation with Federal, State, and local government laboratories and law enforcement agencies, shall develop and publish a description of protocols and practices the Director considers appropriate for the accurate, timely, and effective collection and processing of DNA evidence, including protocols and practices specific to sexual assault cases, which shall address appropriate steps in the investigation of cases that might involve DNA evidence.

''(2) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall make available technical assistance and training to support States and units of local government in adopting and implementing the protocols and practices developed under paragraph (1) on and after the date on which the protocols and practices are published.

''(3) DEFINITION OF BACKLOG FOR DNA CASE WORK.—The Director shall develop and publish a definition of the term 'backlog for DNA case work' for purposes of this section—

''(A) taking into consideration the different stages at which a backlog may develop, including the investigation and prosecution of a crime by law enforcement personnel, prosecutors, and others, and the laboratory analysis of crime scene samples; and

''(B) which may include different criteria or thresholds for the different stages.''.

Ms. KLOBUCHAR. I thank Senator CORNYN and Senator HUTCHISON for their words and their work. I rise to discuss my amendment that would respond to the problems we are seeing with rape kit backlogs, which Senator CORNYN has identified, while also reforming what we know is working well on this issue.

This amendment would amend the Debbie Smith Act, which, similar to the Violence Against Women Act, has a history of bipartisan support. The Debbie Smith Act, as you know, was enacted in 2004. It was named after a courageous survivor of sexual assault.

What this amendment does is to basically increase the percentage of Debbie Smith grant funds that are available for use in testing the backlog of rape kits. We raise the current percentage of 40 percent up to 70 percent. So it is a significant change.

The amendment also asks the National Institute of Justice to develop protocols to help law enforcement with sexual assault cases and to provide technical assistance and training to law enforcement and local governments. The amendment also allows funds to be used for auditing rape kit backlogs, which is one of the important issues Senator CORNYN's amendment addresses.

The difference between Senator CORNYN's amendment and my amendment is that mine does not mandate that a minimum percentage of funds be used for audit. Senator CORNYN's amendment also has provisions such as subpoena authority for U.S. marshals who are tracking fugitive sex offenders that I have supported in the past and I will continue to support in the future. I will be glad to work with Senator CORNYN and Chairman LEAHY and others to get this done and to look for an appropriate vehicle to address this issue.

But today is about passing VAWA without delay. We have worked on the Judiciary Committee for 1 month with every group that wanted to have a say in the reauthorization of VAWA, and we have worked closely with all on the committee. As you know, Senator CRAPO has been the long-time Republican coauthor of this bill. We have a number of Republican supporters. I wish to end with the words of Paul Wellstone, who once served in the Senate on behalf of the State of the Minnesota, who was a fierce advocate for the Violence Against Women Act.

He said this:

What are we waiting for? Too many have spoken with their voices and with their lives, and this violence must end.

Let's get the Violence Against Women Act done.

I yield the floor.

Mr. LEAHY. Madam President, we are about to vote. This is a time for both Republicans and Democrats to come together and say what we all know in our heart: We oppose violence against women. Let's say it not just in our heart, let's say it in legislation—good legislation.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. Madam President, which is the first amendment to be considered?

The PRESIDING OFFICER. The question is on agreeing to the Klobuchar amendment, No. 2094.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—57

Akaka	Begich	Bingaman
Baucus	Bennet	Blumenthal
Boxer	Inouye	Nelson (NE)
Brown (MA)	Johnson (SD)	Nelson (FL)
Brown (OH)	Kerry	Pryor
Cantwell	Klobuchar	Reed
Cardin	Kohl	Reid
Carper	Landrieu	Rockefeller
Casey	Lautenberg	Sanders
Collins	Leahy	Schumer
Conrad	Levin	Shaheen
Coons	Lieberman	Snowe
Durbin	Manchin	Stabenow
Feinstein	McCaskill	Tester
Franken	Menendez	Udall (CO)
Gillibrand	Merkley	Udall (NM)
Hagan	Mikulski	Warner
Harkin	Murkowski	Whitehouse
Heller	Murray	Wyden

NAYS—41

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NOT VOTING—2

Kirk Webb

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 2086

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2086, offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas.

Mr. CORNYN. Madam President, for those who supported the Klobuchar amendment, here is your last chance to make sure more money under the Debbie Smith Act is appropriated and directed toward solving the 400,000 untested rape kits backlogged in this country that is nothing short of a national scandal.

We know the people who commit these sexual assault crimes are serial offenders. If we don't catch them early, more people are going to get hurt. The best way to catch them is to collect this DNA, match it against banked DNA, and take them off the street, and to exonerate those who may be under suspicion but who are innocent.

I hope my colleagues will support this amendment. It has the support of the Rape Abuse and Incest National Network, and it has administrative subpoenas to track down unregistered sex offenders who are more likely to commit crimes against children and other innocent victims. Please vote for this amendment. It will strengthen the Violence Against Women Act and you can be proud of your vote.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, we have been able to get very good progress on the rape kit backlogs in the Leahy-Crapo bill. I wish we had passed the Klobuchar amendment. The Cornyn amendment is well intentioned, but it will undermine, rather than enhance, the progress we have made.

The Cornyn amendment will divert funding from the Debbie Smith rape kit backlog reduction program. Let me repeat: It will divert funding from the Debbie Smith rape kit backlog reduction program to create an unwieldy national database of rape kits. It could force State and local law enforcement to invest time and resources to comply with onerous and illogical reporting requirements instead of actually responding to calls and investigating sexual assault cases.

Key victims' groups have opposed it, saying all the things it adds in here—the things we have taken care of to help victims—would actually hurt them. It creates new mandatory minimum penalties that victims' groups say will have the opposite effect of what we want by deterring abused women from reporting violence and sexual assault crimes. And I strongly oppose it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MENENDEZ. I ask for the yeas and nays.

Mr. CORNYN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WEBB) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—50

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Bennet	Hatch	Paul
Blunt	Heller	Portman
Boozman	Hoeven	Risch
Brown (MA)	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Snowe
Cochran	Kyl	Tester
Collins	Lee	Thune
Corker	Lieberman	Toomey
Cornyn	Lugar	Vitter
Crapo	McCain	Wicker
DeMint	McCaskill	

NAYS—48

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Blumenthal	Johnson (SD)	Reed
Boxer	Kerry	Reid
Brown (OH)	Klobuchar	Rockefeller
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Shaheen
Casey	Leahy	Stabenow
Conrad	Levin	Udall (CO)
Coons	Manchin	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NOT VOTING—2

Kirk Webb

The PRESIDING OFFICER (Mr. BLUMENTHAL). Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 2095

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 2095, offered by the Senator from Texas.

Mrs. HUTCHISON. Mr. President, No. 2095 takes the part of the bill that reauthorizes the Violence Against Women Act and continues those, but it does important things that are not in the underlying bill:

No. 1, a mandatory minimum sentence of 5 years for aggravated sexual assault through the use of drugs or otherwise rendering the victim unconscious is not in the underlying bill. It is in our substitute.

No. 2, it grants administrative subpoena power to U.S. Marshals so they can have the ability to quickly find a known sexual predator. This has been cited by the National Center for Missing and Exploited Children as a key part of the need to help get these offenders when they are going to prey on children. It is not in the underlying bill; it is in ours.

It protects Indian women on reservations in a constitutional way. The underlying bill has been questioned as to constitutionality by the Congressional Research Service.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. HUTCHISON. And it also does what the Cornyn and Klobuchar amendments attempted to do and assure that we get this backlog of people who have committed rape off the streets.

Please support this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the reason why so many people across the political spectrum support the Leahy-Crapo bill and the reason they oppose this amendment is it is going to remove the historic emphasis of women in VAWA. The improvements we have made in the bipartisan Leahy-Crapo bill are gone from the Republican proposal. There is only one real Violence Against Women Act reauthorization, and this is not it. It undermines core principles. It abandons some of the most vulnerable victims. It strips key provisions that are critically necessary to protect all victims, including battered immigrants, Native women, and victims of same-sex relationships.

I hope my colleagues will strongly and roundly defeat this alternative. It guts the Violence Against Women Act reauthorization.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—37

Alexander	Graham	McConnell
Ayotte	Grassley	Moran
Barrasso	Hatch	Portman
Blunt	Heller	Risch
Boozman	Hoeven	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coats	Isakson	Thune
Cochran	Johanns	Toomey
Corker	Johnson (WI)	Vitter
Cornyn	Kyl	Wicker
Crapo	Lugar	
Enzi	McCain	

NAYS—62

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Paul
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (MA)	Kohl	Rubio
Brown (OH)	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Lee	Snowe
Casey	Levin	Stabenow
Coburn	Lieberman	Tester
Collins	Manchin	Udall (CO)
Conrad	McCaskill	Udall (NM)
Coons	Menendez	Warner
DeMint	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murray	

NOT VOTING—1

Kirk

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. LEAHY. Mr. President, I wish to commend and thank Senator KLOBUCHAR, Senator MIKULSKI, Senator BOXER, and Senator CANTWELL for their outstanding statements earlier today in support of our bipartisan Violence Against Women Reauthorization Act. Their contributions to the bill and their leadership have been essential. They have spoken often and consistently about this legislative priority. They bring their experiences and years of work on these matters to this effort.

I also wish to commend the statements made by Senators from both sides of the aisle yesterday as the Senate began consideration of the bill. I have always enjoyed working with the senior Senator from Texas and recall how we worked together to pass our Amber Alert legislation in record time. As I have said, we have included the Klobuchar-Hutchison provision updating Federal antistalking legislation in our bill from the outset. I appreciate her saying that she ''is going to support'' the Leahy-Crapo bill. Likewise, I

have supported giving the Republican proposal a Senate vote, although I have explained why I will vote against it.

I thought the statements by the majority leader, Senator BEGICH, Senator UDALL of New Mexico, Senator TESTER, Senator GILLIBRAND, Senator SCHUMER, as well as Senator HELLER were strong and compelling.

We now have the opportunity to consider our amendment to improve upon the bill. Our amendment continues to focus on protecting victims. By way of our amendment, we can fix a ''scoring'' problem by adding an offset for the measures in the bill that the Congressional Budget Office determined after its technical analysis would result in affecting budget. That amendment should keep the measure budget neutral. We also are pleased to include provisions suggested by Senators MURKOWSKI and BEGICH to correct the manner in which Alaska is affected by the tribal provisions in the bill. We worked with them on the initial language and are pleased to continue that bipartisan cooperation. These are additional steps we can take to make sure we pass the best possible legislation we can.

It has been a pleasure to work with Senator CRAPO over the last many months to reauthorize and improve the Violence Against Women Act. We have been committed to an open, bipartisan process for this legislation from the beginning. This amendment I am offering continues that process and incorporates further important suggestions we have received from both sides of the aisle.

The substitute makes modest changes to the tribal provisions to further protect the rights of defendants. These changes are in response to concerns raised by Senator KYL and others, and I am happy to make them. The substitute also responds to concerns raised by Senator MURKOWSKI and Senator BEGICH about the legislation's impact on Alaska Native villages. Again, I am pleased to be able to address those concerns. The bill is stronger for it.

The substitute also incorporates national security protections at the request of Senator FEINSTEIN.

We also add a small fee for applications for diversity visas that will more than cover the modest costs of protecting additional battered immigrants who assist law enforcement. This addition renders the bill deficit neutral and alleviates budget concerns. It, too, makes the legislation stronger.

The amendment strengthens the campus provision of the legislation while responding to concerns that the bill might have inadvertently affected burdens of proof in campus proceedings. I thank Senator CASEY for working with us on this aspect of the amendment.

These are very modest changes, but every one reflects our continued commitment to listening to those who work with victims of domestic and sexual violence every day and to working with Senators of both parties to make the legislation stronger. The legislation came to the floor with 61 Senators, including 8 Republicans, as cosponsors. These adjustments should make it even more of a consensus bill.

I have been heartened by the constructive tone of debate on the floor of the Senate and the near universal support for reauthorizing VAWA. Let's continue this consensus, bipartisan process by passing this amendment and then adopting the bill with these improvements. Let's pass this reauthorization. As Congress faces unrelenting criticism for gridlock and dysfunction, our reauthorizing VAWA in a bipartisan way that helps all victims of domestic and sexual violence is an example of the Senate at its best. I hope all Senators will join us in this effort.

The PRESIDING OFFICER. Under the previous order, amendment No. 2093, the Leahy substitute amendment, is agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to the vote on S. 1925.

The Senator from Vermont.

Mr. LEAHY. As we proceed to vote to reauthorize the Violence Against Women Act, I look forward to a strong bipartisan vote. I thank the majority leader and the Republican leader for their work to bring us to this point. I commend the Senators from both sides of the aisle who have worked so hard to bring us to this. In particular I thank my partner in this effort, Senator CRAPO, and our bipartisan cosponsors. I also commend Senator MURRAY and Senator MURKOWSKI who have been so instrumental in helping both sides arrive at a fair process for considering amendments and proceeding without unnecessary delays.

The Violence Against Women Act continues to send a powerful message that violence against women is a crime, and it will not be tolerated. It is helping transform the law enforcement response and provide services to victims all across the country. We are right to renew our commitment to the victims who are helped by this critical legislation and to extend a hand to those whose needs have remained unmet.

As we have done in every VAWA authorization, this bill takes steps to improve the law and meet unmet needs. We recognize those victims who we have not yet reached and find ways to help them. This is what we have always done. As I have said many times the past several weeks, a victim is a victim is a victim. We are reaching out to help all victims. I am proud that the legislation Senator CRAPO and I introduced seeks to protect all victims—women, children, and men, immigrants and native born, gay and straight, Indian and non-Indian. They all deserve our attention and the protection and access to services our bill provides.

I have said since we started the process of drafting this legislation that the Violence Against Women Act is an example of what the Senate can accomplish when we work together. I have worked hard to make this reauthorization process open and democratic. Senator CRAPO and I have requested input from both sides of the aisle, and we have incorporated many changes to this legislation suggested by Republican as well as Democratic Senators.

Our bill is based on months of work with survivors, advocates, and law enforcement officers from all across the country and from all political persuasions. We worked with them to craft a bill that responds to the needs they see in the field. That is why every one of the provisions in the bill has such widespread support. That is why more than 1000 national, State, and local organizations support our bill.

I appreciate the bipartisan support this bill has had from the beginning, and I want to commend our 61 cosponsors. I commend our eight Republicans for their willingness to work across party lines.

I cannot overstate the important role played by Senators MURRAY, MURKOWSKI, MIKULSKI, FEINSTEIN, KLOBUCHAR, BOXER, HAGAN, SHAHEEN, CANTWELL, GILLIBRAND, COLLINS, SNOWE, and AYOTTE in this process. The work these women Senators have done in shaping the legislation, and supporting it here on the Senate floor, as well as back home in their States, has helped create the urgency needed to get a bill passed. They are among the strongest supporters of our bill, and the bill is better for their efforts. I also appreciate the gracious comments Senator HUTCHISON made about the Leahy-Crapo bill, and I am encouraged by her now joining with us to pass the bill.

I also want to thank the many members of the Judiciary Committee who helped draft various provisions in the bill. Senators KOHL, DURBIN, SCHUMER, FRANKEN, KLOBUCHAR, WHITEHOUSE, COONS, and BLUMENTHAL offered significant contributions.

The Senate's action today could not have been accomplished without the hard work of many dedicated staffers. I would like to thank in particular Anya McMurray, Noah Bookbinder, Ed Chung, Erica Chabot, Liz Aloi, Matt Smith, Kelsey Kobelt, Tara Magner, Ed Pagano, John Dowd and Bruce Cohen from my staff.

I know the staff of Senator GRASSLEY has put in significant time on this legislation as well. I thank Kolan Davis, Fred Ansell, and Kathy Neubel for their efforts.

I also commend the hardworking Senate floor staff, Tim Mitchell and Trish Engle, and the staffs of other Senators who I know have worked hard on this legislation, including Erik Stegman, Wendy Helgemo, Josh Riley, Ken Flanz, Susan Stoner, Nate Bergerbest, Kristi Williams, Stacy

Rich, Mike Spahn, Serena Hoy, Bill Dauster, and Gary Myrick.

Most importantly, I thank the many individuals, organizations, and coalitions that have helped with this effort. I thank the Vermonters who have helped inform me and this legislation, Karen Tronsgard-Scott of the Vermont Network to End Domestic and Sexual Violence and Jane Van Buren with Women Helping Battered Women. And I thank all those involved with the National Task Force to End Sexual and Domestic Violence Against Women, American Bar Association Commission on Domestic Violence, Asian & Pacific Islander Institute on Domestic Violence, Break the Cycle, Casa de Esperanza, Futures Without Violence, Jewish Women International, Legal Momentum, National Alliance to End Sexual Violence, National Center for Victims of Crime, National Coalition Against Domestic Violence, National Coalition of Anti-Violence Programs, National Congress of American Indians Taskforce on Violence Against Women, National Council of Jewish Women, National Domestic Violence Hotline, National Network to End Domestic Violence, National Organization of Sisters of Color Ending Sexual Assault, SCESA, National Resource Center on Domestic Violence, National Sexual Violence Resource Center, Resource Sharing Project of the Iowa Coalition Against Sexual Assault, YWCA USA, Human Rights Campaign, Human Rights Watch, NAACP, Mayors of Los Angeles, New York, and Chicago, the National Sheriff's Association, Federal Law Enforcement Officers Association, FLEOA, National Center for State Courts, National Association of Attorneys General, National Association of Women Judges, Leadership Conference on Civil and Human Rights, National Faith Groups, and so many more for their focus on the victims and their unmet needs.

This is an example of what the Senate can do when we put aside rhetoric and partisanship. I believe that if Senators, Members of the House, Americans from across the country take an honest look at the provisions in our bipartisan VAWA reauthorization bill, they will find them to be commonsense measures that we all can support. Sixty-one Senators have already reached this conclusion. I hope more will join us and the Senate can promptly pass and Congress can promptly enact the Leahy-Crapo Violence Against Women Reauthorization Act.

I thank the bipartisan coalition that has come together on this. Most importantly, the coalition across the political spectrum that is so opposed to violence against women will thank us for passing this bill.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I yield back all time on our side.

Mrs. HUTCHISON. I yield back time on our side.

The PRESIDING OFFICER. All time has been yielded back.

The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—68

Akaka	Franken	Murkowski
Alexander	Gillibrand	Murray
Ayotte	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Heller	Portman
Bennet	Hoeven	Pryor
Bingaman	Hutchison	Reed
Blumenthal	Inouye	Reid
Boxer	Johnson (SD)	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Coats	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Manchin	Vitter
Coons	McCain	Warner
Corker	McCaskill	Webb
Crapo	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	

NAYS—31

Barrasso	Grassley	Paul
Blunt	Hatch	Risch
Boozman	Inhofe	Roberts
Burr	Isakson	Rubio
Chambliss	Johanns	Sessions
Coburn	Johnson (WI)	Shelby
Cochran	Kyl	Thune
Cornyn	Lee	Toomey
DeMint	Lugar	Wicker
Enzi	McConnell	
Graham	Moran	

NOT VOTING—1

Kirk

The bill (S. 1925), as amended, was passed.

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

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

STOP THE STUDENT LOAN INTEREST RATE HIKE ACT OF 2012—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 365, S. 2343.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

Motion to proceed to S. 2343, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 365, S. 2343, The Stop the Student Loan Interest Rate Hike Act of 2012.

Harry Reid, Jack Reed, Sheldon Whitehouse, Jeff Merkley, Charles E. Schumer, Kay R. Hagan, Jeanne Shaheen, Robert P. Casey, Jr., Kent Conrad, Sherrod Brown, John F. Kerry, Dianne Feinstein, Mary Landrieu, Barbara Boxer, Patty Murray, Bernard Sanders, Barbara A. Mikulski, Richard J. Durbin.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived, and a vote on the motion to invoke cloture on the motion to proceed to S. 2343 occur at noon on Tuesday, May 8, 2012.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, there are a number of us who wish to speak. I will cede to the Senator from Montana, my senior. So if I could ask unanimous consent that the Senator from Montana speak, then the Senator from Massachusetts, and then—I think the Senator from Louisiana had a request for 1 minute. So if we could allow the Senator from Louisiana to go first, then the Senator from Montana, and then I would follow, and then Senator REED would follow me. So I ask unanimous consent for that order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Ms. LANDRIEU. Mr. President, today, young women from Louisiana, California, and the Washington area are my special guests for Take Our Daughters and Sons to Work Day. We were joined by over 100 young women and men here at the Capitol today with their parents, grandparents, and guardians to participate in work in the Senate.

I want to acknowledge the Ms. Foundation that started the national Take Our Daughters and Sons to Work Day program over 20 years ago. I would like to particularly thank Leader REID and Leader MCCONNELL for opening the Senate floor today for these children.

I ask unanimous consent that the young women's names, as well as the names of those family members or guardians joining them, be printed in the RECORD.

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

Dominique Cravins, from Opelousas, LA, accompanied by her parents, Don and Yvette Cravins; Martine Cruz, from Baton Rouge, LA, accompanied by her mother, Dr. Julie