

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 re-

duce 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