

among the Compact officers of Party States based on the recommendation of the Compact officers of all Party States, except that, in the absence of the requisite number of Compact officers available to serve, the chief administrators of the criminal history record repositories of Nonparty States shall be eligible to serve on an interim basis.

(2) Two at-large members, nominated by the Director of the FBI, each of whom shall serve a 3-year term, of whom—

(A) 1 shall be a representative of the criminal justice agencies of the Federal Government and may not be an employee of the FBI; and

(B) 1 shall be a representative of the non-criminal justice agencies of the Federal Government.

(3) Two at-large members, nominated by the Chairman of the Council, once the Chairman is elected pursuant to Article VI(c), each of whom shall serve a 3-year term, of whom—

(A) 1 shall be a representative of State or local criminal justice agencies; and

(B) 1 shall be a representative of State or local noncriminal justice agencies.

(4) One member, who shall serve a 3-year term, and who shall simultaneously be a member of the FBI's advisory policy board on criminal justice information services, nominated by the membership of that policy board.

(5) One member, nominated by the Director of the FBI, who shall serve a 3-year term, and who shall be an employee of the FBI.

(c) CHAIRMAN AND VICE CHAIRMAN.—

(1) IN GENERAL.—From its membership, the Council shall elect a Chairman and a Vice Chairman of the Council, respectively. Both the Chairman and Vice Chairman of the Council—

(A) shall be a Compact officer, unless there is no Compact officer on the Council who is willing to serve, in which case the Chairman may be an at-large member; and

(B) shall serve a 2-year term and may be reelected to only 1 additional 2-year term.

(2) DUTIES OF VICE CHAIRMAN.—The Vice Chairman of the Council shall serve as the Chairman of the Council in the absence of the Chairman.

(d) MEETINGS.—

(1) IN GENERAL.—The Council shall meet a least once each year at the call of the Chairman. Each meeting of the Council shall be open to the public. The Council shall provide prior public notice in the Federal Register of each meeting of the Council, including the matters to be addressed at such meeting.

(2) QUORUM.—A majority of the Council or any committee of the Council shall constitute a quorum of the Council or of such committee, respectively, for the conduct of business. A lesser number may meet to hold hearings, take testimony, or conduct any business not requiring a vote.

(e) RULES, PROCEDURES, AND STANDARDS.—The Council shall make available for public inspection and copying at the Council office within the FBI, and shall publish in the Federal Register, any rules, procedures, or standards established by the Council.

(f) ASSISTANCE FROM FBI.—The Council may request from the FBI such reports, studies, statistics, or other information or materials as the Council determines to be necessary to enable the Council to perform its duties under this Compact. The FBI, to the extent authorized by law, may provide such assistance or information upon such a request.

(g) COMMITTEES.—The Chairman may establish committees as necessary to carry out this Compact and may prescribe their membership, responsibilities, and duration.

ARTICLE VII—RATIFICATION OF COMPACT

This Compact shall take effect upon being entered into by 2 or more States as between those States and the Federal Government. Upon subsequent entering into this Compact by additional States, it shall become effective among those States and the Federal Government and each Party State that has previously ratified it. When ratified, this Compact shall have the full force and effect of law within the ratifying jurisdictions. The form of ratification shall be in accordance with the laws of the executing State.

ARTICLE VIII—MISCELLANEOUS PROVISIONS

(a) RELATION OF COMPACT TO CERTAIN FBI ACTIVITIES.—Administration of this Compact shall not interfere with the management and control of the Director of the FBI over the FBI's collection and dissemination of criminal history records and the advisory function of the FBI's advisory policy board chartered under the Federal Advisory Committee Act (5 U.S.C. App.) for all purposes other than noncriminal justice.

(b) NO AUTHORITY FOR NONAPPROPRIATED EXPENDITURES.—Nothing in this Compact shall require the FBI to obligate or expend funds beyond those appropriated to the FBI.

(c) RELATING TO PUBLIC LAW 92-544.—Nothing in this Compact shall diminish or lessen the obligations, responsibilities, and authorities of any State, whether a Party State or a Nonparty State, or of any criminal history record repository or other subdivision or component thereof, under the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92-544), or regulations and guidelines promulgated thereunder, including the rules and procedures promulgated by the Council under Article VI(a), regarding the use and dissemination of criminal history records and information.

ARTICLE IX—RENUNCIATION

(a) IN GENERAL.—This Compact shall bind each Party State until renounced by the Party State.

(b) EFFECT.—Any renunciation of this Compact by a Party State shall—

(1) be effected in the same manner by which the Party State ratified this Compact; and

(2) become effective 180 days after written notice of renunciation is provided by the Party State to each other Party State and to the Federal Government.

ARTICLE X—SEVERABILITY

The provisions of this Compact shall be severable, and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any participating State, or to the Constitution of the United States, or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If a portion of this Compact is held contrary to the constitution of any Party State, all other portions of this Compact shall remain in full force and effect as to the remaining Party States and in full force and effect as to the Party State affected, as to all other provisions.

ARTICLE XI—ADJUDICATION OF DISPUTES

(a) IN GENERAL.—The Council shall—

(1) have initial authority to make determinations with respect to any dispute regarding—

(A) interpretation of this Compact;

(B) any rule or standard established by the Council pursuant to Article V; and

(C) any dispute or controversy between any parties to this Compact; and

(2) hold a hearing concerning any dispute described in paragraph (1) at a regularly scheduled meeting of the Council and only render a decision based upon a majority vote of the members of the Council. Such decision shall be published pursuant to the requirements of Article VI(e).

(b) DUTIES OF FBI.—The FBI shall exercise immediate and necessary action to preserve the integrity of the III System, maintain system policy and standards, protect the accuracy and privacy of records, and to prevent abuses, until the Council holds a hearing on such matters.

(c) RIGHT OF APPEAL.—The FBI or a Party State may appeal any decision of the Council to the Attorney General, and thereafter may file suit in the appropriate district court of the United States, which shall have original jurisdiction of all cases or controversies arising under this Compact. Any suit arising under this Compact and initiated in a State court shall be removed to the appropriate district court of the United States in the manner provided by section 1446 of title 28, United States Code, or other statutory authority.

Subtitle B—Volunteers for Children Act

SEC. 221. SHORT TITLE.

This subtitle may be cited as the "Volunteers for Children Act".

SEC. 222. FACILITATION OF FINGERPRINT CHECKS.

(a) STATE AGENCY.—Section 3(a) of the National Child Protection Act of 1993 (42 U.S.C. 5119a(a)) is amended by adding at the end the following:

"(3) In the absence of State procedures referred to in paragraph (1), a qualified entity designated under paragraph (1) may contact an authorized agency of the State to request national criminal fingerprint background checks. Qualified entities requesting background checks under this paragraph shall comply with the guidelines set forth in subsection (b) and with procedures for requesting national criminal fingerprint background checks, if any, established by the State."

(b) FEDERAL LAW.—Section 3(b)(5) of the National Child Protection Act of 1993 (42 U.S.C. 5119a(b)(5)) is amended by inserting before the period at the end the following: ", except that this paragraph does not apply to any request by a qualified entity for a national criminal fingerprint background check pursuant to subsection (a)(3)".

(c) AUTHORIZATION.—Section 4(b)(2) of the National Child Protection Act of 1993 (42 U.S.C. 5119b(b)(2)) is amended by striking "1994, 1995, 1996, and 1997" and inserting "1999, 2000, 2001, and 2002".

CRIME VICTIMS WITH DISABILITIES AWARENESS ACT

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 438, S. 1976.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1976) to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee

on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crime Victims With Disabilities Awareness Act".

SEC. 2. FINDINGS; PURPOSES.

(a) **FINDINGS.**—Congress finds that—
 (1) although research conducted abroad demonstrates that individuals with developmental disabilities are at a 4 to 10 times higher risk of becoming crime victims than those without disabilities, there have been no significant studies on this subject conducted in the United States;
 (2) in fact, the National Crime Victim's Survey, conducted annually by the Bureau of Justice Statistics of the Department of Justice, does not specifically collect data relating to crimes against individuals with developmental disabilities;

(3) studies in Canada, Australia, and Great Britain consistently show that victims with developmental disabilities suffer repeated victimization because so few of the crimes against them are reported, and even when they are, there is sometimes a reluctance by police, prosecutors, and judges to rely on the testimony of a disabled individual, making individuals with developmental disabilities a target for criminal predators;

(4) research in the United States needs to be done to—

(A) understand the nature and extent of crimes against individuals with developmental disabilities;

(B) describe the manner in which the justice system responds to crimes against individuals with developmental disabilities; and

(C) identify programs, policies, or laws that hold promises for making the justice system more responsive to crimes against individuals with developmental disabilities; and

(5) the National Academy of Science Committee on Law and Justice of the National Research Council is a premier research institution with unique experience in developing seminal, multidisciplinary studies to establish a strong research base from which to make public policy.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to increase public awareness of the plight of victims of crime who are individuals with developmental disabilities;

(2) to collect data to measure the extent of the problem of crimes against individuals with developmental disabilities; and

(3) to develop a basis to find new strategies to address the safety and justice needs of victims of crime who are individuals with developmental disabilities.

SEC. 3. DEFINITION OF DEVELOPMENTAL DISABILITY.

In this Act, the term "developmental disability" has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001).

SEC. 4. STUDY.

(a) **IN GENERAL.**—The Attorney General shall conduct a study to increase knowledge and information about crimes against individuals with developmental disabilities that will be useful in developing new strategies to reduce the incidence of crimes against those individuals.

(b) **ISSUES ADDRESSED.**—The study conducted under this section shall address such issues as—

(1) the nature and extent of crimes against individuals with developmental disabilities;

(2) the risk factors associated with victimization of individuals with developmental disabilities;

(3) the manner in which the justice system responds to crimes against individuals with developmental disabilities; and

(4) the means by which States may establish and maintain a centralized computer database on the incidence of crimes against individuals with disabilities within a State.

(c) **NATIONAL ACADEMY OF SCIENCES.**—In carrying out this section, the Attorney General shall consider contracting with the Committee on Law and Justice of the National Research Council of the National Academy of Sciences to provide research for the study conducted under this section.

(d) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report describing the results of the study conducted under this section.

SEC. 5. NATIONAL CRIME VICTIM'S SURVEY.

Not later than 2 years after the date of enactment of this Act, as part of each National Crime Victim's Survey, the Attorney General shall include statistics relating to—

(1) the nature of crimes against individuals with developmental disabilities; and

(2) the specific characteristics of the victims of those crimes.

Mr. LEAHY. Mr. President, I was delighted to join with Senator DEWINE during National Crime Victims Rights Week in April to introduce S. 1976, the Crime Victims with Disabilities Awareness Act. I was glad to welcome Senator KENNEDY, Senator HATCH, Senator KOHL, Senator FEINSTEIN, and Senator ABRAHAM as cosponsors.

I have been overwhelmed by the positive response and broad support that our bill has received. I have, and will include in the record, a letter of support signed by over 50 groups, including the National Association of Developmental Disabilities Council's the National Alliance for the Mentally Ill, the National Association of State Directors of Special Education, the National Center of Hearing Disabilities, the American Association of Health and Disability, and many, many others.

In order to move this bill through the Judiciary Committee, Senator DEWINE and I are agreeing to a substitute amendment to the Crime Victims With Disabilities Awareness Act. The substitute eliminates the specific authorization for the research funding and would, instead, leave it up to the Department of Justice to allocate money for this research. Although I preferred our original bill and regret having to eliminate the specific authorization that was at the heart of our original proposal, I was prepared to accept the amendment in order to achieve progress on this important front in our efforts better to assist and serve victims of crime.

The bill being considered by the Senate would have the Department of Justice conduct research which will increase public awareness of the victimization of individual with developmental disabilities, understanding of the nature and extent of such crimes, and examine the means by which States may establish and maintain a database on the incident of crime against individuals with disabilities.

The need for this research is abundantly clear. Studies conducted abroad have found that individuals with disabilities are four to 10 times more likely to be a victim than individuals without disabilities. One Canadian study found that 67 percent of women with

disabilities were physically or sexually assaulted as children.

This bill also directs the Attorney General to utilize statistics gathered from studies by the Department for inclusion in the National Crime Victims Survey.

I said in April that it is important that we focus attention on the needs and rights of crime victims not only during National Crime Victims Rights Week, but throughout the year. For the past several years, I have worked hard with others to make improvements in the law and provide greater assistance to victims of crime.

My involvement with crime victims rights began more than three decades ago when I served as State's Attorney for Chittenden County, Vermont, and witnessed first-hand the devastation of crime. I have worked ever since to ensure that the criminal justice system is one that respects the rights and dignity of victims of crime and domestic violence, rather than presents additional ordeals for those already victimized.

Over the last 20 years we have made strides in recognizing crime victims' rights and providing much needed assistance. I am proud to have played a role in passage of the Victims and Witnesses Protection Act of 1983, the Victims of Crime Act of 1984, and the Victims' Rights and Restitution Act of 1990 and the other improvements we have been able to make.

In the Violent Crime Control Act of 1994, Congress acted to ensure a right of allocation of victims of crimes of violence or sexual abuse and to make tens of millions of dollars available to crime victims. No amount of money can make up for the harm and trauma of being the victim of crime, but we should do all that we can to see that victims are assisted, compensated and treated with dignity by the criminal justice system.

I was the author of the Victims of Terrorism Act that passed the Senate the wake of the Oklahoma City bombing and became the basis for the Justice for Victims of Terrorism Act signed into law in April 1996. We are able to make funds available through supplemental grants to the States to assist and compensate victims of terrorism and mass violence, which incidents might otherwise have overwhelmed the resources of Oklahoma's crime victims compensation program or its victims assistance services.

We also filled a gap in our law for residents of the United States who are victims of terrorism and mass violence that occur outside the borders of the United States. In addition, we allowed greater flexibility to our State and local victims' assistance programs and some greater certainly so that they can know that our commitments to victims programming will not wax and wane with events. And we were able to raise the assessments on those convicted of federal crimes in order to fund the needs of crime victims.

Last year, I cosponsored the Victim Rights Clarification Act of 1997. That legislation reversed a presumption against crime victims observing the fact phase of a trial if they were likely to provide testimony during the sentencing phase of that trial. As a result of that legislation, not only were victims of the Oklahoma City bombing able to observe the trial of Timothy McVeigh, all those who were able to witness the trial and were called as witnesses to provide victim impact testimony at the sentencing phase of that trial, were able to do so.

The Crime Victims Assistance Act, S. 1081, is legislation that I introduced this past July with Senator KENNEDY. It builds upon the progress made over the last several years. It provides for a wholesale reform of the Federal Rules and Federal law to establish additional rights and protections for victims of federal crime.

This bill would provide crime victims with an enhanced right to be heard on the issue of pretrial detention and plea bargains, an enhanced right to a speedy trial and to be present in the courtroom throughout a trial, an enhanced right to be heard on probation revocation and to give a statement at sentencing, and the right to be notified of a defendant's escape or release from prison.

The Crime Victims Assistance Act would also strengthen victims' services by increasing Federal victim assistance personnel, enhancing training for State and local law enforcement and Officers of the Court, and establishing an ombudsman program for crime victims.

With a simple majority of both Houses of Congress, the Crime Victims Assistance Act could be enacted this year and we could mark a significant and immediate difference in the lives of victims throughout our country. I hope that the Senate will turn to this important measure, as well, in our efforts to assist victims of crime.

One unfortunate consequence of the effort to focus attention on proposals to amend the Constitution has been to dissipate efforts to enact effective victims rights legislation over the past two years. The momentum we had built over the last several years has been dissipated by this constitutional focus and exclusion of statutory reform.

While we have made great improvements in our law enforcement and crime victims assistance programs and have made advances in recognizing crime victims' rights, we still have work to do. Each year I try to help focus attention on those who work so hard every week of the year on behalf of all crime victims in crime victims' assistance and compensation programs. Their hard work and dedication have made a real difference in the lives of people who suffer from violence and abuse.

The needs of victims of crime are many and must be addressed in a num-

ber of ways, including strengthening law enforcement and education, improving and increasing services for victims, and protecting the rights of victims. I am hopeful that in the days to come, the research directed by the Crime Victims with Disabilities Awareness Act will serve as the foundation for the growth and improvement of services available to victims with disabilities throughout our country.

Mr. ALLARD. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear in the RECORD.

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

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

The bill (S. 1976), as amended, was considered read the third time and passed.

Mr. DEWINE. Mr. President, I rise today to compliment my colleagues for the unanimous passage of the Crime Victims with Disabilities Awareness Act of 1998. When I introduced this legislation, S. 1976, I wanted to increase public awareness of the plight of crime victims with disabilities—by developing a research and statistical basis from which to understand the nature and extent of crimes against people with developmental disabilities.

Gauging from the favorable response of my colleagues, the press, and people in the disability community itself, public awareness of the crime victims with developmental disabilities has increased by the very introduction of this legislation. But we recognize that this is only the tip of the iceberg—the larger problem is crimes against people with many other kinds of disabilities as well.

Passage of this legislation comes not a moment too soon. It is time that we began a new, hopeful chapter in the lives of the many disabled individuals who live quietly in fear of crime and violence.

There are too many victims who cannot communicate what has happened to them—who find it more difficult than most crime victims to seek comfort, counseling, reassurance, and protection. These victims must relive the violence for the rest of their lives.

Today, as a governing body, the United States Senate has spoken collectively on this increasing challenge. We know that for a number of reasons, more people are being born developmentally disabled. Among the factors are poor prenatal nutrition, increases in child abuse, and substance abuse issues, including fetal alcohol syndrome.

It is my hope that the Department of Justice will engage the Committee on Law and Justice of the National Research Council to produce seminal, multi-disciplinary research that will encourage further academic research in this area, and develop useful new strat-

egies to reduce the incidence of crimes against the disabled. America should not have to rely upon foreign countries to infer research and statistics about our own citizens.

Passage of this legislation is an important recognition of the severity of the impact crime has on these people's lives. It is an attempt to speak for those who cannot speak for themselves. We will not let the disabled suffer alone and in silence any longer. As a country we must understand them, learn to communicate with them, and reassure them.

This is a very important step forward for American society.

I thank my colleagues, and I yield the floor.

ORDERS FOR TUESDAY, JULY 14, 1998

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stands in adjournment until 9:30 a.m. on Tuesday, July 14. I further ask that when the Senate reconvenes on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted.

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

Mr. ALLARD. I further ask consent that the Senate stand in recess from 12:30 until 2:15 p.m., to allow the weekly party caucuses to meet.

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

PROGRAM

Mr. ALLARD. For the information of all Senators, on Tuesday morning, under a previous order, the Senate will debate the motion to waive the Budget Act with respect to the Daschle amendment, with a vote occurring on the motion at 10 a.m. Following that vote, the Senate will continue consideration of the agriculture appropriations bill with the hope of finishing the bill by early evening.

For the remainder of the week, it is hoped that the Senate will complete several more appropriations bills. Members are reminded that the Leader Lecture Series, hosted by the majority leader, will be held tomorrow night at 6 p.m. in the old Senate Chamber. The Speaker will be former Senate Majority Leader Howard Baker.

Also, on Wednesday morning at 10 a.m. there will be a joint meeting of Congress in the House Chamber to receive an address by the President of Romania.

ORDER FOR ADJOURNMENT

Mr. ALLARD. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order, following the remarks of the Senator from New Jersey, Senator LAUTENBERG.