

S. RES. 293

Whereas the Constitution requires an actual enumeration of the population every 10 years;

Whereas Federal, State, and local governments, as well as charities and other groups serving Americans, use information gathered by the census to distribute hundreds of billions of dollars for programs from education to employment, housing to transportation, and rural development to urban empowerment;

Whereas inaccurate or incomplete census data would make it impossible for this aid to be distributed appropriately or fairly and would prevent critically needed funding from finding its way to the appropriate recipients;

Whereas inaccurate or incomplete census data would also throw into doubt the ability to correctly apportion representation in Congress or equitably redraw voting district lines within the States, raising questions about whether the one-person-one-vote rights of Americans are being appropriately guarded;

Whereas the privacy of all data collected by the Bureau of the Census is guaranteed absolute confidentiality for 72 years from the public and all other government agencies; and

Whereas the Bureau of the Census cannot conduct its constitutional or legal duties and Americans cannot be assured of the integrity of the census results, and therefore the equity of all of the manifold decisions that rely upon census numbers, without the fullest possible participation from the public: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is the civic duty of Americans to assist in ensuring the most accurate census possible; and

(2) all residents of the United States should complete their census forms.

Mr. DASCHLE. Mr. President, today Senator LIEBERMAN and I, along with a group of our colleagues, are introducing a resolution emphasizing to all Americans the importance of accurately and completely filling out their census forms. It is my hope that all members of the Senate will cosponsor this important resolution to support the Census Bureau as it carries out the role that the Constitution and Congress have directed it to take.

I continue to be concerned with the statements of some elected officials urging Americans not to respond to some of the questions on their census forms. These statements are reckless and irresponsible.

First, every question on the census form is required by the Constitution or by law. All of these questions were reviewed by Congress before the census began, and received virtually no comment at that time. Second, an accurate census is absolutely critical to meet the needs of the public. Local, state and federal aid programs all depend upon an accurate census count to properly distribute funding for roads, schools and health care. Disaster response agencies like the Federal Emergency Management Agency use census data to prepare for and respond to hurricanes, tornadoes and other natural disasters. Finally, accurate information about population is absolutely essential to fairly distribute congressional seats to ensure that all Ameri-

cans have equal representation in Congress.

Any effort to encourage Americans not to complete their census questionnaire will only hinder our ability to allow every community to live up to its potential, and provide its citizens with the roads, hospitals and schools they need.

As you know, last week the Senate approved an amendment stating that no American should be prosecuted for failing to fill out his or her census form. This resolution was distracting and unnecessary. No American is—for years has been—prosecuted for failing to complete a census form.

The Census Bureau needs to know that it has the full support of the Congress as it carries out its vital task. This resolution makes clear just how important the bureau's task is, and the need for every American to comply with the law and complete the census form. I urge all my colleagues to give it their support.

AMENDMENTS SUBMITTED

CRIME VICTIMS ASSISTANCE ACT

LEAHY (AND OTHERS)
AMENDMENT NO. 3097

(Referred to the Committee on Foreign Relations.)

Mr. LEAHY (for himself, Mr. KENNEDY, Mr. SARBANES, Mr. KERRY, Mr. HARKIN, Mrs. MURRAY, Mr. FEINGOLD, and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill (S. 934) to enhance rights and protections for victims of crime; as follows:

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

SECTION. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Crime Victims Assistance Act of 2000".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VICTIM RIGHTS

Sec. 101. Right to notice and to be heard concerning detention.

Sec. 102. Right to a speedy trial.

Sec. 103. Right to notice and to be heard concerning plea.

Sec. 104. Enhanced participatory rights at trial.

Sec. 105. Right to notice and to be heard concerning sentence.

Sec. 106. Right to notice and to be heard concerning sentence adjustment.

Sec. 107. Right to notice of release or escape.

Sec. 108. Right to notice and to be heard concerning Executive clemency.

Sec. 109. Remedies for noncompliance.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to establish ombudsman programs for crime victims.

Sec. 202. Amendments to Victims of Crime Act of 1984.

Sec. 203. Increased training for law enforcement officers and court personnel to respond to the needs of crime victims.

Sec. 204. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments.

Sec. 205. Pilot program to study effectiveness of restorative justice approach on behalf of victims of crime.

Sec. 206. Compensation and assistance to victims of terrorist acts, mass violence, or international terrorism.

TITLE I—VICTIM RIGHTS

SEC. 101. RIGHT TO NOTICE AND TO BE HEARD CONCERNING DETENTION.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (g)—
(A) in paragraph (3), by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) the views of the victim; and"; and
(2) by adding at the end the following:

"(k) NOTICE AND RIGHT TO BE HEARD.—
"(1) IN GENERAL.—Subject to paragraph (2), with respect to each hearing under subsection (f)—

"(A) before the hearing, the Government shall make reasonable efforts to notify the victim of—

"(i) the date and time of the hearing; and
"(ii) the right of the victim to be heard on the issue of detention; and

"(B) at the hearing, the court shall inquire of the Government whether the victim wishes to be heard on the issue of detention and, if so, shall afford the victim such an opportunity.

"(2) EXCEPTIONS.—The requirements of paragraph (1) shall not apply to any case in which the Government or the court reasonably believes—

"(A) available evidence raises a significant expectation of physical violence or other retaliation by the victim against the defendant; or

"(B) identification of the defendant by the victim is a fact in dispute, and no means of verification has been attempted."

(c) **VICTIM DEFINED.**—Section 3156(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) the term 'victim'—
"(A) means an individual harmed as a result of a commission of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault; and

"(B) includes—
"(i) in the case of a victim who is less than 18 years of age or incompetent, the parent or legal guardian of the victim;

"(ii) in the case of a victim who is deceased or incapacitated, 1 or more family members designated by the court; and

"(iii) any other person appointed by the court to represent the victim."

SEC. 102. RIGHT TO A SPEEDY TRIAL.

Section 3161(h)(8)(B) of title 18, United States Code, is amended by adding at the end the following:

"(v) The interests of the victim (or the family of a victim who is deceased or incapacitated) in the prompt and appropriate disposition of the case, free from unreasonable delay."

SEC. 103. RIGHT TO NOTICE AND TO BE HEARD CONCERNING PLEA.

(a) IN GENERAL.—Rule 11 of the Federal Rules of Criminal Procedure is amended—

(1) by redesignating subdivision (h) as subdivision (i); and

(2) by inserting after subdivision (g) the following:

“(h) RIGHTS OF VICTIMS.—

“(1) VICTIM DEFINED.—In this subdivision, the term ‘victim’ means an individual harmed as a result of a commission of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, and also includes—

“(A) in the case of a victim who is less than 18 years of age or incompetent, the parent or legal guardian of the victim;

“(B) in the case of a victim who is deceased or incapacitated, 1 or more family members designated by the court; and

“(C) any other person appointed by the court to represent the victim.

“(2) NOTICE.—The Government, before a proceeding at which a plea of guilty or nolo contendere is entered, shall make reasonable efforts to notify the victim of—

“(A) the date and time of the proceeding;

“(B) the elements of the proposed plea or plea agreement;

“(C) the right of the victim to attend the proceeding; and

“(D) the right of the victim to address the court personally, through counsel, or in writing on the issue of the proposed plea or plea agreement.

“(3) OPPORTUNITY TO BE HEARD.—The court, before accepting a plea of guilty or nolo contendere, shall afford the victim an opportunity to be heard, personally, through counsel, or in writing, on the proposed plea or plea agreement.

“(4) EXCEPTIONS.—Notwithstanding any other provision of this subdivision—

“(A) in any case in which a victim is a defendant in the same or a related case, or in which the Government certifies to the court under seal that affording such victim any right provided under this rule will jeopardize an ongoing investigation, the victim shall not have such right;

“(B) a victim who, at the time of a proceeding at which a plea of guilty or nolo contendere is entered, is incarcerated in any Federal, State, or local correctional or detention facility, shall not have the right to appear in person, but, subject to subparagraph (A), shall be afforded a reasonable opportunity to present views or participate by alternate means; and

“(C) in any case involving more than 15 victims, the court, after consultation with the Government and the victims, may appoint a number of victims to represent the interests of the victims, except that all victims shall retain the right to submit a written statement under paragraph (2).”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to be heard on the issue of whether or not the court should accept a plea of guilty or nolo contendere.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (a), then the amendments made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 104. ENHANCED PARTICIPATORY RIGHTS AT TRIAL.

(a) AMENDMENT TO VICTIM RIGHTS CLARIFICATION ACT.—Section 3510 of title 18, United States Code, is amended by adding at the end the following:

“(d) APPLICATION TO TELEVISED PROCEEDINGS.—This section applies to any victim viewing proceedings pursuant to section 235 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 10608), or any rule issued thereunder.”

(b) AMENDMENT TO VICTIMS’ RIGHTS AND RESTITUTION ACT OF 1990.—Section 502(b) of the Victims’ Rights and Restitution Act of 1990 (42 U.S.C. 10606(b)) is amended—

(1) by striking paragraph (4) and inserting the following:

“(4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim at trial would be materially affected if the victim heard the testimony of other witnesses.”; and

(2) in paragraph (5), by striking “attorney” and inserting “the attorney”.

SEC. 105. RIGHT TO NOTICE AND TO BE HEARD CONCERNING SENTENCE.

(a) ENHANCED NOTICE AND CONSIDERATION OF VICTIMS’ VIEWS.—

(1) IMPOSITION OF SENTENCE.—Section 3553(a) of title 18, United States Code, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

“(7) the views of any victims of the offense, if such views are presented to the court; and”

(2) ISSUANCE AND ENFORCEMENT OF ORDER OF RESTITUTION.—Section 3664(d)(2)(A) of title 18, United States Code is amended—

(A) by redesignating clauses (v) and (vi) as clauses (vii) and (viii) respectively; and

(B) by inserting after clause (iv) the following:

“(v) the opportunity of the victim to attend the sentencing hearing;

“(vi) the opportunity of the victim, personally or through counsel, to make a state-

ment or present any information to the court in relation to the sentence;”

(b) ENHANCED PARTICIPATORY RIGHTS.—Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (b)—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(B) by inserting after paragraph (3) the following:

“(4) NOTICE TO VICTIM.—The probation officer must, before submitting the presentence report, provide notice to the victim as provided by section 3664(d)(2)(A) of title 18, United States Code.”; and

(C) in paragraph (5), as redesignated—

(i) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(ii) by inserting after subparagraph (D) the following:

“(E) any victim impact statement submitted by a victim to the probation officer;”;

(2) in subdivision (c)(3), by striking subparagraph (E) and inserting the following:

“(E) afford the victim, personally or through counsel, an opportunity to make a statement or present any information in relation to the sentence, including information concerning the extent and scope of the victim’s injury or loss, and the impact of the offense on the victim or the family of the victim, except that the court may reasonably limit the number of victims permitted to address the court if the number is so large that affording each victim such right would result in cumulative victim impact information or would unreasonably prolong the sentencing process.”; and

(3) in subdivision (f)(1)—

(A) by striking “the right of allocation under subdivision (c)(3)(E)” and inserting “the notice and participatory rights under subdivisions (b)(4) and (c)(3)(E)”;

(B) by striking “if such person or persons are present at the sentencing hearing, regardless of whether the victim is present;”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (b) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to provide enhanced opportunities for victims to participate during the presentencing and sentencing phase of the criminal process.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendments made by subsection (b), then the amendments made by subsection (b) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendments made by subsection (b), the recommendations made pursuant to paragraph (2) shall become effective 180 days

after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendments made by subsection (b) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 106. RIGHT TO NOTICE AND TO BE HEARD CONCERNING SENTENCE ADJUSTMENT.

(a) IN GENERAL.—Rule 32.1(a) of the Federal Rules of Criminal Procedure is amended by adding at the end the following:

“(3) NOTICE TO VICTIM.—At any hearing pursuant to paragraph (2) involving 1 or more persons who have been convicted of an offense involving death or bodily injury to any person, a threat of death or bodily injury to any person, a sexual assault, or an attempted sexual assault, the Government shall make reasonable efforts to notify the victim of the offense (and the victim of any new charges giving rise to the hearing), of—
 “(A) the date and time of the hearing; and
 “(B) the right of the victim to attend the hearing and to address the court regarding whether the terms or conditions of probation or supervised release should be modified.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall become effective as provided in paragraph (3).

(2) ACTION BY JUDICIAL CONFERENCE.—

(A) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall submit to Congress a report containing recommendations for amending the Federal Rules of Criminal Procedure to ensure that reasonable efforts are made to notify victims of violent offenses of any revocation hearing held pursuant to Rule 32.1(a)(2), and to afford such victims an opportunity to participate.

(B) INAPPLICABILITY OF OTHER LAW.—Chapter 131 of title 28, United States Code, does not apply to any recommendation made by the Judicial Conference of the United States under this paragraph.

(3) CONGRESSIONAL ACTION.—Except as otherwise provided by law, if the Judicial Conference of the United States—

(A) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are the same as the amendment made by subsection (a), then the amendment made by subsection (a) shall become effective 30 days after the date on which the recommendations are submitted to Congress under paragraph (2);

(B) submits a report in accordance with paragraph (2) containing recommendations described in that paragraph, and those recommendations are different in any respect from the amendment made by subsection (a), the recommendations made pursuant to paragraph (2) shall become effective 180 days after the date on which the recommendations are submitted to Congress under paragraph (2), unless an Act of Congress is passed overturning the recommendations; and

(C) fails to comply with paragraph (2), the amendment made by subsection (a) shall become effective 360 days after the date of enactment of this Act.

(4) APPLICATION.—Any amendment made pursuant to this section (including any amendment made pursuant to the recommendations of the Judicial Conference of the United States under paragraph (2)) shall

apply in any proceeding commenced on or after the effective date of the amendment.

SEC. 107. RIGHT TO NOTICE OF RELEASE OR ESCAPE.

(a) IN GENERAL.—Subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

“§ 3627. Notice to victims of release or escape of defendants

“(a) IN GENERAL.—The Bureau of Prisons shall ensure that reasonable notice is provided to each victim of an offense for which a person is in custody pursuant to this subchapter—

“(1) not less than 30 days before the release of such person under section 3624, assignment of such person to pre-release custody under section 3624(c), or transfer of such person under section 3623;

“(2) not less than 10 days before the temporary release of such person under section 3622;

“(3) not later than 12 hours after discovery that such person has escaped;

“(4) not later than 12 hours after the return to custody of such person after an escape; and

“(5) at such other times as may be reasonable before any other form of release of such person as may occur.

“(b) APPLICABILITY.—This section applies to any escape, work release, furlough, or any other form of release from a psychiatric institution or other facility that provides mental or other health services to persons in the custody of the Bureau of Prisons.

“(c) VICTIM CONTACT INFORMATION.—It shall be the responsibility of a victim to notify the Bureau of Prisons, by means of a form to be provided by the Attorney General, of any change in the mailing address of the victim, or other means of contacting the victim, while the defendant is in the custody of the Bureau of Prisons. The Bureau of Prisons shall ensure the confidentiality of any information relating to a victim.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

“3627. Notice to victims of release or escape of defendants.”.

SEC. 108. RIGHT TO NOTICE AND TO BE HEARD CONCERNING EXECUTIVE CLEMENCY.

(a) NOTIFICATION.—Subchapter C of chapter 229 of title 18, United States Code, is amended by adding after section 3627, as added by section 107, the following:

“§ 3628. Notice to victims concerning grant of executive clemency

“(a) DEFINITIONS.—In this section—

“(1) the term ‘executive clemency’—

“(A) means any exercise by the President of the power to grant reprieves and pardons under clause 1 of section 2 of article II of the Constitution of the United States; and

“(B) includes any pardon, reprieve, commutation of sentence, or remission of fine; and

“(2) the term ‘victim’ has the same meaning given that term in section 503(e) of the Victims’ Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)).

“(b) NOTICE OF GRANT OF EXECUTIVE CLEMENCY.—

“(1) If a petition for executive clemency is granted, the Attorney General shall make reasonable efforts to notify any victim of any offense that is the subject of the grant of executive clemency that such grant has been made as soon as practicable after that grant is made.

“(2) If a grant of executive clemency will result in the release of any person from custody, notice under paragraph (1) shall be

prior to that release from custody, if practicable.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for subchapter C of chapter 229 of title 18, United States Code, is amended by adding at the end the following: “3628. Notice to victims concerning grant of executive clemency.”.

(c) REPORTING REQUIREMENTS.—The Attorney General shall submit biannually to the Committees on the Judiciary of the House of Representatives and the Senate a report on executive clemency matters or cases delegated for review or investigation to the Attorney General by the President, including for each year—

(1) the number of petitions so delegated;

(2) the number of reports submitted to the President;

(3) the number of petitions for executive clemency granted and the number denied;

(4) the name of each person whose petition for executive clemency was granted or denied and the offenses of conviction of that person for which executive clemency was granted or denied; and

(5) with respect to any person granted executive clemency, the date that any victim of an offense that was the subject of that grant of executive clemency was notified, pursuant to Department of Justice regulations, of a petition for executive clemency, and whether such victim submitted a statement concerning the petition.

(d) SENSE OF THE SENATE CONCERNING THE RIGHT OF VICTIMS TO NOTICE AND TO BE HEARD CONCERNING EXECUTIVE CLEMENCY.—It is the Sense of the Senate that—

(1) victims of a crime should be notified about any petition for executive clemency filed by the perpetrators of that crime and provided an opportunity to submit a statement concerning the petition to the President; and

(2) the Attorney General should promulgate regulations or internal guidelines to ensure that such notification and opportunity to submit a statement are provided.

SEC. 109. REMEDIES FOR NONCOMPLIANCE.

(a) GENERAL LIMITATION.—Any failure to comply with any amendment made by this title shall not give rise to a claim for damages, or any other action against the United States, or any employee of the United States, any court official or officer of the court, or an entity contracting with the United States, or any action seeking a rehearing or other reconsideration of action taken in connection with a defendant.

(b) REGULATIONS TO ENSURE COMPLIANCE.—

(1) IN GENERAL.—Notwithstanding subsection (a), not later than 1 year after the date of enactment of this Act, the Attorney General of the United States and the Chairman of the United States Parole Commission shall promulgate regulations to implement and enforce the amendments made by this title.

(2) CONTENTS.—The regulations promulgated under paragraph (1) shall—

(A) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice (including employees of the United States Parole Commission) who willfully or repeatedly violate the amendments made by this title, or willfully or repeatedly refuse or fail to comply with provisions of Federal law pertaining to the treatment of victims of crime;

(B) include an administrative procedure through which parties can file formal complaints with the Department of Justice alleging violations of the amendments made by this title;

(C) provide that a complainant is prohibited from recovering monetary damages

against the United States, or any employee of the United States, either in his official or personal capacity; and

(D) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and there shall be no judicial review of the final decision of the Attorney General by a complainant.

TITLE II—VICTIM ASSISTANCE INITIATIVES

SEC. 201. PILOT PROGRAMS TO ESTABLISH OMBUDSMAN PROGRAMS FOR CRIME VICTIMS.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the Office of Victims of Crime.

(2) OFFICE.—The term “Office” means the Office for Victims of Crime.

(3) QUALIFIED PRIVATE ENTITY.—The term “qualified private entity” means a private entity that meets such requirements as the Attorney General, acting through the Director, may establish.

(4) QUALIFIED UNIT OF STATE OR LOCAL GOVERNMENT.—The term “local government” means a unit of a State or local government, including a State court, that meets such requirements as the Attorney General, acting through the Director, may establish.

(5) VOICE CENTERS.—The term “VOICE Centers” means the Victim Ombudsman Information Centers established under the program under subsection (b).

(b) PILOT PROGRAMS.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Attorney General, acting through the Director, shall establish and carry out a program to provide for pilot programs to establish and operate Victim Ombudsman Information Centers in each of the following States:

- (A) Iowa.
- (B) Massachusetts.
- (C) Maryland.
- (D) Vermont.
- (E) Virginia.
- (F) Washington.
- (G) Wisconsin.

(2) AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, acting through the Director, shall enter into an agreement with a qualified private entity or unit of State or local government to conduct a pilot program referred to in paragraph (1). Under the agreement, the Attorney General, acting through the Director, shall provide for a grant to assist the qualified private entity or unit of State or local government in carrying out the pilot program.

(B) CONTENTS OF AGREEMENT.—The agreement referred to in subparagraph (A) shall specify that—

(i) the VOICE Center shall be established in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a VOICE Center under this section (including the applicable reporting duties under subsection (c) and the terms of the agreement) each VOICE Center shall operate independently of the Office.

(C) NO AUTHORITY OVER DAILY OPERATIONS.—The Office shall have no supervisory or decisionmaking authority over the day-to-day operations of a VOICE Center.

(c) OBJECTIVES.—

(1) MISSION.—The mission of each VOICE Center established under a pilot program under this section shall be to assist a victim of a Federal or State crime to ensure that the victim—

(A) is fully apprised of the rights of that victim under applicable Federal or State law; and

(B) is provided the opportunity to participate in the criminal justice process to the fullest extent of the law.

(2) DUTIES.—The duties of a VOICE Center shall include—

(A) providing information to victims of Federal or State crime regarding the right of those victims to participate in the criminal justice process (including information concerning any right that exists under applicable Federal or State law);

(B) identifying and responding to situations in which the rights of victims of crime under applicable Federal or State law may have been violated;

(C) attempting to facilitate compliance with Federal or State law referred to in subparagraph (B);

(D) educating police, prosecutors, Federal and State judges, officers of the court, and employees of jails and prisons concerning the rights of victims under applicable Federal or State law; and

(E) taking measures that are necessary to ensure that victims of crime are treated with fairness, dignity, and compassion throughout the criminal justice process.

(d) OVERSIGHT.—

(1) TECHNICAL ASSISTANCE.—The Office may provide technical assistance to each VOICE Center.

(2) ANNUAL REPORT.—Each qualified private entity or qualified unit of State or local government that carries out a pilot program to establish and operate a VOICE Center under this section shall prepare and submit to the Director, not later than 1 year after the VOICE Center is established, and annually thereafter, a report that—

(A) describes in detail the activities of the VOICE Center during the preceding year; and

(B) outlines a strategic plan for the year following the year covered under subparagraph (A).

(e) REVIEW OF PROGRAM EFFECTIVENESS.—

(1) GAO STUDY.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Comptroller General of the United States shall conduct a review of each pilot program carried out under this section to determine the effectiveness of the VOICE Center that is the subject of the pilot program in carrying out the mission and duties described in subsection (c).

(2) OTHER STUDIES.—Not later than 2 years after the date on which each VOICE Center established under a pilot program under this section is fully operational, the Attorney General, acting through the Director, shall enter into an agreement with 1 or more private entities that meet such requirements that the Attorney General, acting through the Director, may establish, to study the effectiveness of each VOICE Center established by a pilot program under this section in carrying out the mission and duties described in subsection (c).

(f) TERMINATION DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), a pilot program established under this section shall terminate on the date that is 4 years after the date of enactment of this Act.

(2) RENEWAL.—If the Attorney General determines that any of the pilot programs established under this section should be renewed for an additional period, the Attorney General may renew that pilot program for a period not to exceed 2 years.

(g) FUNDING.—Notwithstanding any other provision of law, an aggregate amount not to exceed \$5,000,000 of the amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the “False Claims Act”), may be

used by the Director to make grants under subsection (b).

SEC. 202. AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984.

(a) CRIME VICTIMS FUND.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(5) any gifts, bequests, or donations from private entities or individuals.”; and

(2) in subsection (d)—

(A) in paragraph (4)—

(i) in subparagraph (A), by striking “48.5” and inserting “47.5”; and

(ii) in subparagraph (B), by striking “48.5” and inserting “47.5”; and

(iii) in subparagraph (C), by striking “3” and inserting “5”; and

(B) in paragraph (5), by adding at the end the following:

“(C) Any State that receives supplemental funding to respond to incidents or terrorism or mass violence under this section shall be required to return to the Crime Victims Fund for deposit in the reserve fund, amounts subrogated to the State as a result of third-party payments to victims.”.

(b) CRIME VICTIM COMPENSATION.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended—

(1) in subsection (a)—

(A) in each of paragraphs (1) and (2), by striking “40” and inserting “60”; and

(B) in paragraph (3)—

(i) by striking “5” and inserting “10”; and

(ii) by inserting “and evaluation” after “administration”; and

(2) in subsection (b)—

(A) in paragraph (7), by inserting “because the identity of the offender was not determined beyond a reasonable doubt in a criminal trial, because criminal charges were not brought against the offender, or” after “deny compensation to any victim”;

(B) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10); and

(C) by inserting after paragraph (7) the following:

“(8) such program does not discriminate against victims because they oppose the death penalty or disagree with the way the State is prosecuting the criminal case.”.

(c) CRIME VICTIM ASSISTANCE.—Section 1404 of the Victims of Crime Act of 1984 (42 U.S.C. 10603) is amended—

(1) in subsection (b)(3), by striking “5” and inserting “10”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting “or enter into cooperative agreements” after “make grants”; and

(ii) by striking subparagraph (A) and inserting the following:

“(A) for demonstration projects, evaluation, training, and technical assistance services to eligible organizations;”;

(iii) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(C) training and technical assistance that address the significance of and effective delivery strategies for providing long-term psychological care.”; and

(B) in paragraph (3)—

(i) in subparagraph (C), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(E) use funds made available to the Director under this subsection—

“(i) for fellowships and clinical internships; and

“(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.”; and

(3) in subsection (d)—
(A) by striking paragraph (1) and inserting the following:

“(1) the term ‘State’ includes—
“(A) the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States; and

“(B) for purposes of a subgrant under subsection (a)(1) or a grant or cooperative agreement under subsection (c)(1), the United States Virgin Islands and any agency of the Government of the District of Columbia or the Federal Government performing law enforcement functions in and on behalf of the District of Columbia.”;

(B) in paragraph (2)—
(i) in subparagraph (C), by striking “and” at the end; and

(ii) by adding at the end the following:
“(E) public awareness and education and crime prevention activities that promote, and are conducted in conjunction with, the provision of victim assistance; and

“(F) for purposes of an award under subsection (c)(1)(A), preparation, publication, and distribution of informational materials and resources for victims of crime and crime victims organizations.”;

(C) by striking paragraph (4) and inserting the following:

“(4) the term ‘crisis intervention services’ means counseling and emotional support including mental health counseling, provided as a result of crisis situations for individuals, couples, or family members following and related to the occurrence of crime.”;

(D) in paragraph (5), by striking the period at the end and inserting “; and”;

(E) by adding at the end the following:
“(6) for purposes of an award under subsection (c)(1), the term ‘eligible organization’ includes any—

“(A) national or State organization with a commitment to developing, implementing, evaluating, or enforcing victims’ rights and the delivery of services;

“(B) State agency or unit of local government;

“(C) State court;

“(D) tribal organization;

“(E) organization—

“(i) described in section 501(c) of the Internal Revenue Code of 1986; and

“(ii) exempt from taxation under section 501(a) of such Code; or

“(F) other entity that the Director determines to be appropriate.”.

SEC. 203. INCREASED TRAINING FOR LAW ENFORCEMENT OFFICERS AND COURT PERSONNEL TO RESPOND TO THE NEEDS OF CRIME VICTIMS.

Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the “False Claims Act”) may be used by the Office for Victims of Crime to make grants to States, State courts, units of local government, and qualified private entities, to provide training and information to prosecutors, judges, law enforcement officers, probation officers, and other officers and employees of Federal and State courts to assist them in responding effectively to the needs of victims of crime.

SEC. 204. INCREASED RESOURCES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING CRIME VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

(a) IN GENERAL.—Subtitle A of title XXIII of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108

Stat. 2077) is amended by adding at the end the following:

“SEC. 230103. STATE-OF-THE-ART SYSTEMS FOR NOTIFYING VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office for Victims of Crime of the Department of Justice such sums as may be necessary for grants to Federal, State, and local prosecutors’ offices and law enforcement agencies, Federal and State courts, county jails, Federal and State correctional institutions, and qualified private entities, to develop and implement state-of-the-art systems for notifying victims of crime of important dates and developments relating to the criminal proceedings at issue.

“(b) FALSE CLAIMS ACT.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the ‘False Claims Act’), may be used for grants under this section.”.

(b) VIOLENT CRIME REDUCTION TRUST FUND.—Section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) is amended—

(1) in the first paragraph designated as paragraph (15) (relating to the definition of the term “Federal law enforcement program”), by striking “and” at the end;

(2) in the first paragraph designated as paragraph (16) (relating to the definition of the term “Federal law enforcement program”), by striking the period at the end and inserting “; and”;

(3) by inserting after the first paragraph designated as paragraph (16) (relating to the definition of the term “Federal law enforcement program”) the following:

“(17) section 230103.”.

SEC. 205. PILOT PROGRAM TO STUDY EFFECTIVENESS OF RESTORATIVE JUSTICE APPROACH ON BEHALF OF VICTIMS OF CRIME.

(a) IN GENERAL.—Notwithstanding any other provision of law, amounts collected pursuant to sections 3729 through 3731 of title 31, United States Code (commonly known as the “False Claims Act”) and amounts available in the Crime Victims Fund (42 U.S.C. 10601 et seq.), may be used by the Office for Victims of Crime to make grants to States, State courts, units of local government, and qualified private entities for the establishment of pilot programs that implement balanced and restorative justice models.

(b) DEFINITION OF BALANCED AND RESTORATIVE JUSTICE MODEL.—In this section, the term “balanced and restorative justice model” means an approach to criminal justice that promotes the maximum degree of involvement by a victim, offender, and the community served by a criminal justice system by allowing the criminal justice system and related criminal justice agencies to improve the capacity of the system and agencies to—

(1) protect the community served by the system and agencies; and

(2) ensure accountability of the offender and the system.

SEC. 206. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORIST ACTS, MASS VIOLENCE, OR INTERNATIONAL TERRORISM.

(a) IN GENERAL.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended to read as follows:

“SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORIST ACTS OR MASS VIOLENCE.

“(a) IN GENERAL.—The Director may make supplemental grants as provided in section 1402(d)(5)—

“(1) to States, which shall be used for eligible crime victim compensation and assistance programs for the benefit of victims; and

“(2) to victim service organizations and to agencies (including Federal, State, and local governments and foreign governments) and organizations that provide emergency or ongoing assistance to victims of crime, which shall be used to provide, for the benefit of victims—

“(A) emergency relief (including assistance and crisis response) and other related victim services;

“(B) emergency response training and technical assistance; and

“(C) ongoing assistance including during any investigation and prosecution.

“(b) VICTIM DEFINED.—

“(1) IN GENERAL.—In this section, the term ‘victim’ means a person who has suffered direct physical or emotional injury or death as a result of a terrorist act or mass violence occurring on or after December 21, 1988.

“(2) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation or assistance under this section on behalf of the victim.

“(3) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any compensation or assistance under this section, either directly or on behalf of a victim.

“(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supplant any compensation available under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.”.

(b) INCREASE CAP ON EMERGENCY RESERVE FUND AND ALLOW FOR TRANSFER OF UNOBLIGATED FUNDS TO THE EMERGENCY RESERVE FUND.—

(1) CAP INCREASE.—Section 1402(d)(5)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(A)) is amended by striking “\$50,000,000” and inserting “\$100,000,000”.

(2) TRANSFER.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended by striking “in excess of \$500,000” and all that follows through “than \$500,000” and inserting “shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums”.

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—

(1) IN GENERAL.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404B the following:

“SEC. 1404C. COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.

“(a) FINDINGS.—Congress makes the following findings:

“(1) Nationals of the United States and officers and employees of the Federal Government may suffer physical and emotional injury or death as a result of international terrorism.

“(2) The United States has an obligation to assist nationals of the United States if, through no fault of their own, they are targeted by terrorists as symbols of the United States.

“(3) Officers and employees of the United States who are not nationals of the United States may serve as a surrogate for the United States and may be targeted by international terrorists. Depending upon the nature of the duties of such an officer or employee, and the location of service of that officer or employee, the officer or employee may be placed in circumstances of greater vulnerability than other individuals who are not nationals of the United States.

“(4) Even if international terrorism is not directed clearly or exclusively at the United

States, the status of an individual as a national of the United States or as an officer or employee of the Federal Government may contribute to some extent to the targeting of that individual by terrorists.

“(5) To provide fair compensation to these victims of international terrorism, Congress should assist these victims with the typical expenses of victimization and the extraordinary expenses associated with victimization abroad.

“(b) DEFINITIONS.—In this section:

“(1) INTERNATIONAL TERRORISM.—The term ‘international terrorism’ has the meaning given the term in section 2331 of title 18, United States Code.

“(2) NATIONAL OF THE UNITED STATES.—The term ‘national of the United States’ has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

“(3) VICTIM.—

“(A) IN GENERAL.—The term ‘victim’ means a person who—

“(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988; and

“(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the Federal Government.

“(B) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIMS.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the assistance under this section on behalf of the victim.

“(C) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for the terrorist act or mass violence receive any assistance under this section, either directly or on behalf of a victim.

“(C) AWARD OF COMPENSATION.—The Director may carry out a program as provided in section 1402(d)(5)(B) to provide assistance to victims of international terrorism to compensate them for expenses associated with that victimization.

“(d) ANNUAL REPORT.—The Director shall annually submit to Congress a report on the status and activities of the program under this section, which report shall include—

“(1) an explanation of the procedures for filing and processing of applications for assistance;

“(2) a description of the procedures and policies instituted to promote public awareness about the program;

“(3) a complete statistical analysis of the victims assisted under the program, including—

“(A) the number of applications for assistance submitted;

“(B) the number of applications approved and the amount of each award;

“(C) the number of applications denied and the reasons for the denial;

“(D) the average length of time to process an application for assistance; and

“(E) the number of applications for assistance pending and the estimated future liability of the program; and

“(4) an analysis of future program needs and suggested program improvements.”

(2) CONFORMING AMENDMENT.—Section 1402(d)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(B)) is amended by inserting “, to provide assistance to victims of international terrorism under the program under section 1404C,” after “section 1404B”.

Mr. LEAHY. Mr. President, this week marks the 20th anniversary of our observance of National Crime Victims’

Rights Week. This is a week that we set aside each year to honor and commemorate the victims of crime and those who serve them. It is appropriate to take this time to discuss the unmet needs of victims in our Nation’s criminal justice system.

Tremendous strides have been made in these past 20 years toward ensuring better and more comprehensive rights and services for victims of crime. Today, there are over 30,000 laws nationwide that define and protect victims’ rights, as well as over 10,000 national, State, and local organizations that provide assistance to people who have been hurt by crime. This is substantial progress, but there is still more to be done.

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 one that presents additional ordeals for those already victimized.

I am proud that Congress has been a significant part of the solution to provide victims with greater rights and assistance. During the last two decades, Congress has passed several bills to this end. These bills have included:

The Victims and Witness Protection Act of 1982;

The Victims of Crime Act of 1984;

The Victims’ Rights and Restitution Act of 1990;

The Violence Against Women Act of 1994;

The Mandatory Victims’ Restitution Act of 1996;

The Justice for Victims of Terrorism Act of 1996;

The Victim Rights Clarification Act of 1997;

The Crime Victims with Disabilities Awareness Act of 1998; and

The Torture Victims Relief Act of 1998.

It is because of my continuing commitment to protecting the rights of victims that I joined with Senator KENNEDY to introduce the Crime Victims Assistance Act, S. 934, and its predecessor in the 105th Congress. This legislation offers full-scale reform of Federal rules and Federal law to establish stronger rights and protections for victims of Federal crime. This legislation further proposes to assist victims of State crime through the infusion of additional resources to make the criminal justice system more supporting of crime victims. In addition, this legislation would improve the capacity of the Office for Victims of Crime to provide more immediate and effective assistance to Americans who are victims of terrorism abroad.

The Crime Victims Assistance Act would improve the lot of victims throughout the country. Unfortunately, it appears that in this Con-

gress, as in the last, we will not take the simple and important step of enacting this legislation. Instead, the Judiciary Committee has focused on proposals to amend the United States Constitution. Such action is ill-advised and a constitutional amendment is unnecessary. I regret that for the last several years the pace of crime victim legislation has slowed dramatically. I have grave reservations about proceeding first to amend the Constitution and only then to design and enact the legislation that could help crime victims. To help victims we must act on legislation like the Crime Victims Assistance Act and we should be doing so without further delay.

While the Crime Victims Assistance Act is central to a package of victim assistance legislation, it does not stand alone. There is so much that we could be doing to help victims, none of which requires an amendment to the Constitution. If we truly want to help victims we should, for example, re-authorize the Violence Against Women Act. A bill to reauthorize those programs has been pending without action for too long. It contains over \$3.7 billion dollars in funding over five years, funding that primarily goes to State and local programs that desperately need assistance.

Just yesterday, the Office of Justice Programs announced that Women Helping Battered Women in Burlington, Vermont, will be receiving \$249,043 under the Rural Domestic Violence and Child Victimization Enforcement Program—a VAWA program that I initiated. Earlier this month, the Vermont Center for Crime Victim Services received an award of \$799,534 under the same program. This program, and other VAWA programs, meet the true and immediate needs of victims in every State. By contrast, the proposed constitutional amendment is a political gimmick, which promises much but fails to define real rights or provide real remedies or assistance.

We must also do more for victims of hate crimes by passing the Hate Crimes Prevention Act. This legislation amends the Federal hate crimes statute to make it easier for federal law enforcement officials to investigate and prosecute cases of racial and religious violence. It also focuses the attention and resources of the Federal Government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability. The Senate approved this legislation last summer as part of the Commerce-Justice-State appropriations bill, but it was dropped before final passage. We should pass it now, without further delay.

With a simple majority of both Houses of Congress we can pass the Crime Victims Assistance Act, which should have been enacted three years ago; we can re-authorize the Violence Against Women Act; we can pass the Hate Crimes Prevention Act. These laws can make a difference today in

the lives of crime victims throughout the country. There would be no need to achieve super-majorities in both Houses of Congress, no need to await ratification efforts among the States and no need to go through the ensuing process of enacting implementing legislation.

I regret that we did not do more for victims last year or the year before. Over the course of that time, I have noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, I must note that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered.

I look forward to continuing to work with the Administration, victims groups, prosecutors, judges and other interested parties on how we can most effectively enhance the rights of victims of crime. Congress and State legislatures have become more sensitive to crime victims rights over the past 20 years and we have a golden opportunity to make additional, significant progress this year to provide the greater voice and rights that crime victims deserve.

I want to take this opportunity to commend all those who work so hard every day to assist victims of crime and to prevent others from becoming victims of crime. That is something I try to do every year and, in particular, during Crime Victims Rights Week. In preparing to do so again this year I was disappointed to see that no other Senator has yet recognized Crime Victims Rights week.

On behalf of Senators KENNEDY, SARBANES, KERRY, HARKIN, MURRAY, FEINGOLD, and ROBB, I am today filing a substitute amendment to our bill. In spite of the Judiciary Committee's lack of attention to these matters, we have continued to work on them, think about them and to improve the bill. I ask unanimous consent that a copy of the substitute amendment and a section-by-section summary be printed in the RECORD.

Mr. KENNEDY. Mr. President, I support greater recognition of the rights of victims of crime. Clearly, they deserve enforceable rights that are guaranteed by law. But, just as clearly, these rights can be achieved without amending the Constitution. The Constitution is the foundation of our democracy, and it reflects the enduring principles of our country. The framers deliberately made it difficult to amend because it was never intended to be used for normal legislative purposes.

We have a responsibility to assure victims of crime that their rights in the criminal justice system will not be ignored. That is why my colleagues and I are re-introducing the Crime Victims Assistance Act.

Our bill clearly defines the rights of victims, and it establishes an effective means to implement and enforce these rights. It does so without taking the

drastic and unnecessary step of amending the Constitution. Acting through legislation allows us to act quickly to give victims the rights to which they are entitled. It also allows us to react quickly to changing circumstances. By contrast, the proponents of a constitutional amendment are asking victims to wait, possibly for years, before any of the provisions in the amendment are adopted, much less implemented.

Our bill provides enhanced protections to victims of federal crimes. It assures victims a greater voice in the prosecution of the criminals who injured them and their families. It gives victims the right to be notified and heard on detention and plea agreements, the right to be notified and heard at probation revocation hearings, the right to be notified of the escape or release of a criminal from prison, and the right to a speedy trial and prompt disposition, free from unreasonable delay. In addition, our bill enhances victims' rights to obtain restitution, to be notified and heard at sentencing, and to be present at trial.

The rights established by our bill will fill the existing gaps in federal criminal law and will be a major step toward ensuring that victims of crime receive appropriate and sensitive treatment. Our bill will achieve these goals in a way that does not interfere with the efforts of the States to protect victims in ways appropriate to each State's unique needs.

Our bill also contains measures to ensure that victims receive the counseling, information, and assistance they need in order to participate in the criminal justice process to the maximum extent possible. It creates and funds additional federal victim assistance personnel. It authorizes the use of funds to establish effective pilot programs. It provides funds for increased training of state and local law enforcement agencies and court personnel, to enable them to respond effectively to the needs of victims and to notify them of important dates and developments. Our bill also establishes ombudsman programs to ensure that victims are given unbiased information about navigating the criminal justice process. To make all of these improvements possible, the proposed statute also improves federal financial support for victim assistance and compensation.

There is no need to amend the constitution to achieve these important goals. In my view, when it is not necessary to amend the constitution to achieve a particular goal, it is necessary not to amend it. That is why I ask my colleagues to establish effective and enforceable rights for victims of crime by supporting the Crime Victims Assistance Act.

Mr. FEINGOLD. Mr. President, I was pleased to join Senators LEAHY and KENNEDY as a sponsor of the Crime Victims Assistance Act, and I endorse this modified version of the bill. This is an important bill designed to give substantial, enforceable rights to the vic-

tims of federal crimes to participate fully in the various criminal justice proceedings arising out of their cases.

I understand that the sponsors of the constitutional amendment concerning the rights of victims of crime, often referred to as the Victims' Rights Amendment or VRA, will bring the amendment to the Senate floor in the near future. I have the utmost concern for the victims of crime, and I want to see them supported as much as possible in the law as they deal with the consequences of the crime committed against them. But I oppose the amendment.

The main reason for my opposition is that I do not think it is necessary to amend our great governing document, the Constitution of the United States, to provide the protection that victims of crime seek and deserve. We have a responsibility to deal with these issues through legislation before turning to the constitutional amendment process. That process is long and uncertain and its results are much less easier to fix than a statute if we have left something undone that should have been done.

The statutory alternative developed by Senators LEAHY and KENNEDY, which I expect will be offered as an amendment to the VRA when it comes to the floor, will truly serve the interests of victims in a much more direct and effective way than would a constitutional amendment. And we can enact it this year, getting relief and protections to victims of crime immediately that will not be available to them until some uncertain date under the constitutional amendment.

So I am pleased to join in this effort, and I look forward to working with my colleagues to try to convince the Senate that this is the best way to support the interests of victims of violent crime.

JOHN H. CHAFEE ENVIRONMENTAL
EDUCATION ACT OF 1999

INHOFE AMENDMENT NO. 3098

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill (S. 1946) to amend the National Environmental Education Act to redesignate that Act as the "John H. Chafee Environmental Education Act," to establish the John H. Chafee Memorial Fellowship Program, to extend the programs under that Act, and for other purposes; as follows:

In section 7(f) of the John H. Chafee Environmental Education Act (as amended by section 4(a)), strike paragraph (2) and insert the following:

"(2) MEMBERSHIP.—The Panel shall consist of 5 members, appointed by the Administrator from among persons recommended by the National Environmental Education Advisory Council.

In section 6(1) of the bill, strike subparagraph (C) and insert the following:

(C) by striking the last sentence;
In section 11(b)(1) of the John H. Chafee Environmental Education Act (as amended by section 8(a)(2))—

(1) in subparagraph (C)—
 (A) strike “40 percent” and insert “38 percent”; and
 (B) strike “and” at the end;
 (2) in subparagraph (D), strike the period at the end and insert “; and”; and
 (3) add at the end the following:
 “(E) not more than 2 percent shall be used to administer and make grants under the teachers’ awards program under section 8(b).

**PALACE OF THE GOVERNORS
 EXPANSION ACT**

DOMENICI AMENDMENT NO. 3099

Mr. SESSIONS (for Mr. DOMENICI) proposed an amendment to the bill (S. 1727) to authorize for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Palace of the Governors Annex Act”.

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS ANNEX, SANTA FE, NEW MEXICO.

(a) FINDINGS.—Congress finds that—
 (1) the United States has a rich legacy of Hispanic influence in politics, government, economic development, and cultural expression;
 (2) the Palace of the Governors—
 (A) has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico’s second capitol in Santa Fe by Governor Pedro de Peralta in 1610;
 (B) is the oldest continuously occupied public building in the continental United States, having been occupied for 390 years; and
 (C) has been designated as a National Historic Landmark;
 (3) since its creation, the Museum of New Mexico has worked to protect and promote Southwestern, Hispanic, and Native American arts and crafts;
 (4) the Palace of the Governors houses the history division of the Museum of New Mexico;
 (5) the Museum has an extensive, priceless, and irreplaceable collection of—
 (A) Spanish Colonial paintings (including the Segesser Hide Paintings, paintings on buffalo hide dating back to 1706);
 (B) pre-Columbian Art; and
 (C) historic artifacts, including—
 (i) helmets and armor worn by the Don Juan de Oñate expedition conquistadors who established the first capital in the territory that is now the United States, San Juan de los Caballeros, in July 1598;
 (ii) the Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico;
 (iii) the Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa’s raid began;
 (iv) the field desk of Brigadier General Stephen Watts Kearny, who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California; and
 (v) more than 800,000 other historic photographs, guns, costumes, maps, books, and handicrafts;

(6) the Palace of the Governors and its contents are included in the Mary C. Skaggs Centennial Collection of America’s Treasures;

(7) the Palace of the Governors and the Segesser Hide paintings have been declared national treasures by the National Trust for Historic Preservation; and

(8) time is of the essence in the construction of an annex to the Palace of the Governors for the exhibition and storing of the collection described in paragraph (5), because—

(A) the existing facilities for exhibiting and storing the collection are so inadequate and unsuitable that existence of the collection is endangered and its preservation is in jeopardy; and

(B) 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors and is an appropriate date for ensuring the continued viability of the collection.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term “Annex” means the annex for the Palace of the Governors of the Museum of New Mexico, to be constructed behind the Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) OFFICE.—The term “Office” means the State Office of Cultural Affairs.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of New Mexico.

(c) GRANT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to the Office to pay 50 percent of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex.

(2) REQUIREMENTS.—Subject to the availability of appropriations, to receive a grant under this paragraph (1), the Office shall—

(A) submit to the Secretary a copy of the architectural blueprints for the Annex; and

(B) enter into a memorandum of understanding with the Secretary under subsection (d).

(d) MEMORANDUM OF UNDERSTANDING.—At the request of the Office, the Secretary shall enter into a memorandum of understanding with the Office that—

(1) requires that the Office award the contract for construction of the Annex after a competitive bidding process and in accordance with the New Mexico Procurement Code; and

(2) specifies a date for completion of the Annex.

(e) NON-FEDERAL SHARE.—The non-Federal share of the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex—

(1) may be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services; and

(2) shall include any contribution received by the State (including contributions from the New Mexico Foundation and other endowment funds) for, and any expenditure made by the State for, the Palace of the Governors or the Annex, including—

(A) design;

(B) land acquisition (including the land at 110 Lincoln Avenue, Santa Fe, New Mexico);

(C) acquisitions for and renovation of the library;

(D) conservation of the Palace of the Governors;

(E) construction, management, inspection, furnishing, and equipping of the Annex; and

(F) donations of art collections and artifacts to the Museum of New Mexico on or after the date of enactment of this Act.

(f) USE OF FUNDS.—The funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subject to the availability of appropriations, there is authorized to be appropriated to the Secretary to carry out this section \$15,000,000, to remain available until expended.

(2) CONDITION.—Paragraph (1) authorizes sums to be appropriated on the condition that—

(A) after the date of enactment of this Act and before January 1, 2010, the State appropriate at least \$8,000,000 to pay the costs of the final design, construction, management, inspection, furnishing, and equipping of the Annex; and

(B) other non-Federal sources provide sufficient funds to pay the remainder of the 50 percent non-Federal share of those costs.

**NRC FAIRNESS IN FUNDING ACT
 OF 1999**

SMITH AMENDMENTS NOS. 3100-3101

Mr. SESSIONS (for Mr. SMITH of New Hampshire) proposed two amendments to the bill (S. 1627) to extend the authority of the Nuclear Regulatory Commission to collect fees through 2004, and for other purposes; as follows:

AMENDMENT No. 3100

Beginning on page 5, strike line 2 and all that follows through page 7, line 22, and insert the following:

SEC. 101. NUCLEAR REGULATORY COMMISSION ANNUAL CHARGES.

Section 6101 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214) is amended—

(1) in subsection (a)(3), by striking “September 30, 1999” and inserting “September 20, 2005”; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting “or certificate holder” after “licensee”; and

(B) by striking paragraph (2) and inserting the following:

“(2) AGGREGATE AMOUNT OF CHARGES.—

“(A) IN GENERAL.—The aggregate amount of the annual charges collected from all licensees and certificate holders in a fiscal year shall equal an amount that approximates the percentages of the budget authority of the Commission for the fiscal year stated in subparagraph (B), less—

“(i) amounts collected under subsection (b) during the fiscal year; and

“(ii) amounts appropriated to the Commission from the Nuclear Waste Fund for the fiscal year.

“(B) PERCENTAGES.—The percentages referred to in subparagraph (A) are—

“(i) 98 percent for fiscal year 2001;

“(ii) 96 percent for fiscal year 2002;

“(iii) 94 percent for fiscal year 2003;

“(iv) 92 percent for fiscal year 2004; and

“(v) 88 percent for fiscal year 2005.”.

AMENDMENT No. 3101

On page 7, strike line 23 and insert the following:

SEC. 102. NUCLEAR REGULATORY COMMISSION AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking “and (3)” and inserting “(3)”; and

(2) by inserting before the semicolon at the end the following: “, and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility”.

SEC. 103. COST RECOVERY FROM GOVERNMENT AGENCIES.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 4, 2000 at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the United States Forest Service’s use of current and proposed stewardship contracting procedures, including authorities under section 347 of the FY 1999 omnibus appropriations act, and whether these procedures assist or could be improved to assist forest management activities to meet goals of ecosystem management, restoration, and employment opportunities on public lands.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey (202) 224-2878.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, May 10, 2000, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the United States Forest Service’s proposed revisions to the regulations governing National Forest Planning. This hearing was originally scheduled for April 13, 2000 at 2:30.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey or Bill Eby at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Com-

mittee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 13, 2000, at 10:00 a.m., in open session to review the Department of Defense Anthrax Vaccine Immunization Program.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 13, 2000, to conduct a hearing on Structure of Securities Markets.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 13, 2000, at 9:30 a.m. on pending committee business.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 13, 2000, at 2:30 p.m. on S. 1361—Natural Disaster Protection and Insurance Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 13 at 9:30 a.m. to conduct a hearing. The committee will receive testimony on S. 282, the Transition to Competition in the Electric Industry Act; S. 516, the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047, the Comprehensive Electricity Competition Act; S. 1284, the Electric Consumer Choice Act; S. 1273, the Federal Power Act Amendments of 1999; s. 1369, the Clean Energy Act of 1999; S. 2071, Electric Reliability 2000 Act; and S. 2098, the Electric Power Market Competition and Reliability Act.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, April 13, at 9:15 a.m. to consider pending business.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 13, 2000 at 2:30 p.m. to hold a business meeting.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on protecting pension assets during the session of the Senate on Thursday, April 13, 2000, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 13, 2000, at 9:30 a.m. in SD226.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Forests and Public Land Management Subcommittee of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 13, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service’s proposed regulations governing National Forest Planning.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Immigration be authorized to meet to conduct a hearing on Thursday, April 13, 2000, at 2:00 p.m., in Dirksen 226.

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

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you, Mr. President. I want to speak for about 5 or 6 minutes on a bill I am introducing. What does my colleague from Louisiana have in mind?

Ms. LANDRIEU. Mr. President, if my colleague will yield, I wanted to speak for about 2 minutes. If Senator BYRD would allow both of us to go forward before he begins his remarks, I would be happy to yield.

Mr. BROWNBACK. Mr. President, I would be happy to yield to my colleague from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank Senator BROWNBACK.

THE HAGUE CONVENTION ON INTERNATIONAL ADOPTION

Ms. LANDRIEU. Mr. President, I make note tonight of a very significant event which occurred today in the Capitol. We were able to pass legislation