

a support role such as a cook, porter, messenger, medic, guard, or sex slave.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress—

(1) to condemn the conscription, forced recruitment or use of children by governments, paramilitaries, or other organizations in hostilities;

(2) that the United States Government should support and, where practicable, lead efforts to establish and uphold international standards designed to end this abuse of human rights;

(3) that the United States Government should expand ongoing services to rehabilitate recovered child soldiers and to reintegrate them back into their communities by—

(A) offering ongoing psychological services to help victims recover from their trauma and relearn how to deal with others in non-violent ways such that they are no longer a danger to their community;

(B) facilitating reconciliation with their communities through negotiations with traditional leaders and elders to enable recovered abductees to resume normal lives in their communities; and

(C) providing educational and vocational assistance;

(4) that the United States should work with the international community, including, where appropriate, third country governments, nongovernmental organizations, faith-based organizations, United Nations agencies, local governments, labor unions, and private enterprise—

(A) on efforts to bring to justice rebel organizations that kidnap children for use as child soldiers, including the Lord's Resistance Army (LRA) in Uganda, Fuerzas Armadas Revolucionarias de Colombia (FARC), and Liberation Tigers of Tamil Eelam (LTTE), including, where feasible, by arresting the leaders of such groups; and

(B) on efforts to recover those children who have been abducted and to assist them in their rehabilitation and reintegration into communities;

(5) that the Secretary of State, the Secretary of Labor, and the Secretary of Defense should coordinate programs to achieve the goals specified in paragraph (3), and in countries where the use of child soldiers is an issue, whether or not it is supported or sanctioned by the governments of such countries, United States diplomatic missions should include in their mission program plans a strategy to achieve the goals specified in such paragraph;

(6) that United States diplomatic missions in countries in which governments use or tolerate child soldiers should develop, as part of annual program planning, strategies to promote efforts to end this abuse of human rights; and

(7) that, in allocating or recommending the allocation of funds or recommending candidates for programs and grants funded by the United States Government, United States diplomatic missions should give particular consideration to those programs and candidates deemed to promote the end to this abuse of human rights.

SEC. 5. PROHIBITION.

(a) IN GENERAL.—Subject to subsections (b), (c), and (d), none of the funds appropriated or otherwise made available for international military education and training, foreign military financing, foreign military sales, direct commercial sales, or excess Defense articles by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102) or any other Act making appropriations for foreign operations, export financing, and related programs may be obligated or other-

wise made available to the government of a country that is clearly identified by the Department of State in the Department of State's most recent Country Reports on Human Rights Practices as having governmental armed forces or government supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit or use child soldiers.

(b) NOTIFICATION TO COUNTRIES IN VIOLATION OF THE STANDARDS OF THIS ACT.—The Secretary of State shall formally notify any government identified pursuant to subsection (a).

(c) NATIONAL INTEREST WAIVER.—

(1) WAIVER.—The President may waive the application to a country of the prohibition in subsection (a) if the President determines that such waiver is in the interest of the United States.

(2) PUBLICATION AND NOTIFICATION.—The President shall publish each waiver granted under paragraph (1) in the Federal Register and shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives of each such waiver, including the justification for the waiver, in accordance with the regular notification procedures of such Committees.

(d) REINSTATEMENT OF ASSISTANCE.—The President may provide to a country assistance otherwise prohibited under subsection (a) upon certifying to Congress that the government of such country—

(1) has implemented effective measures to come into compliance with the standards of this Act; and

(2) has implemented effective policies and mechanisms to prohibit and prevent future use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers.

(e) EXCEPTION FOR PROGRAMS DIRECTLY RELATED TO ADDRESSING THE PROBLEM OF CHILD SOLDIERS OR PROFESSIONALIZATION OF THE MILITARY.—

(1) IN GENERAL.—The President may provide to a country assistance for international military education and training otherwise prohibited under subsection (a) upon certifying to Congress that—

(A) the government of such country is implementing effective measures to demobilize child soldiers in its forces or in government supported paramilitaries and to provide demobilization, rehabilitation, and reintegration assistance to those former child soldiers; and

(B) the assistance provided by the United States Government to the government of such country will go to programs that will directly support professionalization of the military.

(2) LIMITATION.—The exception under paragraph (1) may not remain in effect for more than 2 years following the date of notification specified in section 5(b).

SEC. 6. REPORTS.

(a) PREPARATION OF REPORTS REGARDING CHILD SOLDIERS.—United States missions abroad shall thoroughly investigate reports of the use of child soldiers.

(b) INFORMATION FOR ANNUAL HUMAN RIGHTS REPORTS.—In preparing those portions of the Human Rights Reports that relate to child soldiers, the Secretary of State shall ensure that such reports shall include a description of the use of child soldiers in each foreign country, including—

(1) trends toward improvement in such country of the status of child soldiers or the continued or increased tolerance of such practices; and

(2) the role of the government of such country in engaging in or tolerating the use of child soldiers.

(c) INCLUSION OF INFORMATION ON VIOLATIONS.—When the Secretary of State determines that a government has violated the standards of this Act, the Secretary shall clearly indicate that fact in the relevant Annual Human Rights Report.

(d) LETTER TO CONGRESS.—Not later than June 15 of each year for 10 years following the enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives—

(1) a list of the countries receiving notification that they are in violation of the standards of this Act;

(2) a list of any waivers or exceptions exercised under this Act;

(3) justification for those waivers and exceptions; and

(4) a description of any assistance provided pursuant to this Act.

SEC. 7. REPORT ON IMPLEMENTATION OF ACT.

Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report setting forth a strategy for achieving the policy objectives of this Act, including a description of an effective mechanism for coordination of United States Government efforts to implement this strategy.

SEC. 8. TRAINING FOR FOREIGN SERVICE OFFICERS.

Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following new subsection:

“(c) The Secretary of State, with the assistance of other relevant officials, shall establish as part of the standard training provided after January 1, 2008, for officers of the Service, including chiefs of mission, instruction on matters related to child soldiers and the substance of the Child Soldier Prevention Act of 2007.”.

SEC. 9. EFFECTIVE DATE; APPLICABILITY.

This Act shall take effect 180 days after the date of the enactment of this Act and shall apply to funds obligated after such effective date.

AMENDMENTS SUBMITTED AND PROPOSED

SA 898. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 897 proposed by Mr. ENSIGN (for himself and Mr. CRAIG) to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table.

SA 899. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 900. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

SA 901. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 378, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 898. Mr. ENSIGN submitted an amendment intended to be proposed to

amendment SA 897 proposed by Mr. EN-SIGN (for himself and Mr. CRAIG) to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted insert the following:

TITLE VI: NINTH CIRCUIT SPLIT

SEC. 601. SHORT TITLE.

This title may be cited as the "The Circuit Court of Appeals Restructuring and Modernization Act of 2007".

SEC. 602. DEFINITIONS.

In this title:

(1) FORMER NINTH CIRCUIT.—The term "former ninth circuit" means the ninth judicial circuit of the United States as in existence on the day before the effective date of this title.

(2) NEW NINTH CIRCUIT.—The term "new ninth circuit" means the ninth judicial circuit of the United States established by the amendment made by section 603(2)(A).

(3) TWELFTH CIRCUIT.—The term "twelfth circuit" means the twelfth judicial circuit of the United States established by the amendment made by section 603(2)(B).

SEC. 603. NUMBER AND COMPOSITION OF CIRCUITS.

Section 41 of title 28, United States Code, is amended—

(1) in the matter preceding the table, by striking "thirteen" and inserting "fourteen"; and

(2) in the table—

(A) by striking the item relating to the ninth circuit and inserting the following: "Ninth California, Guam, Hawaii, Northern Mariana Islands."

and

(B) by inserting after the item relating to the eleventh circuit the following: "Twelfth Alaska, Arizona, Idaho, Montana, Nevada, Oregon, Washington."

SEC. 604. JUDGESHIPS.

(a) NEW JUDGESHIPS.—The President shall appoint, by and with the advice and consent of the Senate, 5 additional circuit judges for the new ninth circuit court of appeals, whose official duty station shall be in California.

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENT OF JUDGES.—The President shall appoint, by and with the advice and consent of the Senate, 2 additional circuit judges for the former ninth circuit court of appeals, whose official duty stations shall be in California.

(2) EFFECT OF VACANCIES.—The first 2 vacancies occurring on the new ninth circuit court of appeals 10 years or more after judges are first confirmed to fill both temporary circuit judgeships created by this subsection shall not be filled.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 605. NUMBER OF CIRCUIT JUDGES.

The table contained in section 44(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following: "Ninth 20" and

(2) by inserting after the item relating to the eleventh circuit the following: "Twelfth 14".

SEC. 606. PLACES OF CIRCUIT COURT.

The table contained in section 48(a) of title 28, United States Code, is amended—

(1) by striking the item relating to the ninth circuit and inserting the following:

"Ninth Honolulu, Pasadena, San Francisco."

and

(2) by inserting after the item relating to the eleventh circuit the following: "Twelfth Las Vegas, Phoenix, Portland, Seattle."

SEC. 607. LOCATION OF TWELFTH CIRCUIT HEAD-QUARTERS.

The offices of the Circuit Executive of the Twelfth Circuit and the Clerk of the Court of the Twelfth Circuit shall be located in Phoenix, Arizona.

SEC. 608. ASSIGNMENT OF CIRCUIT JUDGES.

Each circuit judge of the former ninth circuit who is in regular active service and whose official duty station on the day before the effective date of this title—

(1) is in California, Guam, Hawaii, or the Northern Mariana Islands shall be a circuit judge of the new ninth circuit as of such effective date; and

(2) is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington shall be a circuit judge of the twelfth circuit as of such effective date.

SEC. 609. ELECTION OF ASSIGNMENT BY SENIOR JUDGES.

Each judge who is a senior circuit judge of the former ninth circuit on the day before the effective date of this title may elect to be assigned to the new ninth circuit or the twelfth circuit as of such effective date and shall notify the Director of the Administrative Office of the United States Courts of such election.

SEC. 610. SENIORITY OF JUDGES.

The seniority of each judge—

(1) who is assigned under section 608, or

(2) who elects to be assigned under section 609,

shall run from the date of commission of such judge as a judge of the former ninth circuit.

SEC. 611. APPLICATION TO CASES.

The following apply to any case in which, on the day before the effective date of this title, an appeal or other proceeding has been filed with the former ninth circuit:

(1) Except as provided in paragraph (3), if the matter has been submitted for decision, further proceedings with respect to the matter shall be had in the same manner and with the same effect as if this title had not been enacted.

(2) If the matter has not been submitted for decision, the appeal or proceeding, together with the original papers, printed records, and record entries duly certified, shall, by appropriate orders, be transferred to the court to which the matter would have been submitted had this title been in full force and effect at the time such appeal was taken or other proceeding commenced, and further proceedings with respect to the case shall be had in the same manner and with the same effect as if the appeal or other proceeding had been filed in such court.

(3) If a petition for rehearing en banc is pending on or after the effective date of this title, the petition shall be considered by the court of appeals to which it would have been submitted had this title been in full force and effect at the time that the appeal or other proceeding was filed with the court of appeals.

SEC. 612. TEMPORARY ASSIGNMENT OF CIRCUIT JUDGES AMONG CIRCUITS.

Section 291 of title 28, United States Code, is amended by adding at the end the following:

"(c) The chief judge of the Ninth Circuit may, in the public interest and upon request by the chief judge of the Twelfth Circuit, designate and assign temporarily any circuit judge of the Ninth Circuit to act as circuit judge in the Twelfth Circuit.

"(d) The chief judge of the Twelfth Circuit may, in the public interest and upon request by the chief judge of the Ninth Circuit, designate and assign temporarily any circuit judge of the Twelfth Circuit to act as circuit judge in the Ninth Circuit."

SEC. 613. TEMPORARY ASSIGNMENT OF DISTRICT JUDGES AMONG CIRCUITS.

Section 292 of title 28, United States Code, is amended by adding at the end the following:

"(f) The chief judge of the United States Court of Appeals for the Ninth Circuit may in the public interest—

"(1) upon request by the chief judge of the Twelfth Circuit, designate and assign 1 or more district judges within the Ninth Circuit to sit upon the Court of Appeals of the Twelfth Circuit, or a division thereof, whenever the business of that court so requires; and

"(2) designate and assign temporarily any district judge within the Ninth Circuit to hold a district court in any district within the Twelfth Circuit.

"(g) The chief judge of the United States Court of Appeals for the Twelfth Circuit may in the public interest—

"(1) upon request by the chief judge of the Ninth Circuit, designate and assign 1 or more district judges within the Twelfth Circuit to sit upon the Court of Appeals of the Ninth Circuit, or a division thereof, whenever the business of that court so requires; and

"(2) designate and assign temporarily any district judge within the Twelfth Circuit to hold a district court in any district within the Ninth Circuit.

"(h) Any designations or assignments under subsection (f) or (g) shall be in conformity with the rules or orders of the court of appeals of, or the district within, as applicable, the circuit to which the judge is designated or assigned."

SEC. 614. ADMINISTRATION.

The court of appeals for the ninth circuit as constituted on the day before the effective date of this title may take such administrative action as may be required to carry out this title and the amendments made by this title. Such court shall cease to exist for administrative purposes 2 years after the date of enactment of this Act.

SEC. 615. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, including funds for additional court facilities.

SEC. 616. EFFECTIVE DATE.

Except as provided in section 604(c), this title and the amendments made by this title shall take effect 12 months and 1 day after the date of enactment of this Act.

SA 899. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

TITLE VI. ADDITIONAL JUDGESHIPS FOR THE SOUTHWEST BORDER

At the end of the bill, add the following:

SEC. 601. SHORT TITLE.

This title may be cited as the "Federal Criminal Immigration Courts Act of 2007".

SEC. 602. FINDINGS AND PURPOSE.

(a) FINDINGS.—Based on the recommendations made by the 2007 Judicial Conference and the statistical data provided by the 2006 Federal Court Management Statistics (issued by the Administrative Office of the

United States Courts), the Congress finds the following:

(1) Federal courts along the southwest border of the United States have a greater percentage of their criminal caseload affected by immigration cases than other Federal courts.

(2) The percentage of criminal immigration cases in most southwest border district courts totals more than 49 percent of the total criminal caseloads of those districts.

(3) The current number of judges authorized for those courts is inadequate to handle the current caseload.

(4) Such an increase in the caseload of criminal immigration filings requires a corresponding increase in the number of Federal judgeships.

(5) The 2007 Judicial Conference recommended the addition of judgeships to meet this growing burden.

(6) The Congress should authorize the additional district court judges necessary to carry out the 2007 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 49 percent of all criminal filings for the 12-month period ending September 30, 2006.

(b) PURPOSE.—The purpose of this title is to increase the number of Federal judgeships, in accordance with the recommendations of the 2007 Judicial Conference, in district courts that have an extraordinarily high criminal immigration caseload.

SEC. 603. ADDITIONAL DISTRICT COURT JUDGESHIPS.

(a) PERMANENT JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 4 additional district judges for the district of Arizona;

(B) 1 additional district judge for the district of New Mexico;

(C) 2 additional district judges for the southern district of Texas; and

(D) 1 additional district judge for the western district of Texas.

(2) CONFORMING AMENDMENTS.—In order that the table contained in section 133(a) of title 28, United States Code, reflect the number of additional judges authorized under paragraph (1), such table is amended—

(A) by striking the item relating to Arizona and inserting the following:

“Arizona 6”;

(B) by striking the item relating to New Mexico and inserting the following:

“New Mexico 7”;

(C) by striking the item relating to Texas and inserting the following:

“Texas:
Northern 12
Southern 21
Eastern 17
Western 14”.

(b) TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the district of Arizona; and

(B) 1 additional district judge for the district of New Mexico.

(2) VACANCY.—For each of the judicial districts named in this subsection, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this subsection shall not be filled.

SA 900. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18,

United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . MEDIA COVERAGE OF FEDERAL COURT PROCEEDINGS.

(a) DEFINITIONS.—In this section:

(1) PRESIDING JUDGE.—The term “presiding judge” means the judge presiding over the court proceeding concerned. In proceedings in which more than 1 judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term “appellate court of the United States” means any United States circuit court of appeals and the Supreme Court of the United States.

(b) AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) AUTHORITY OF APPELLATE COURTS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the presiding judge of an appellate court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(B) EXCEPTION.—The presiding judge shall not permit any action under subparagraph (A), if—

(i) in the case of a proceeding involving only the presiding judge, that judge determines the action would constitute a violation of the due process rights of any party; or

(ii) in the case of a proceeding involving the participation of more than 1 judge, a majority of the judges participating determine that the action would constitute a violation of the due process rights of any party.

(2) AUTHORITY OF DISTRICT COURTS.—

(A) IN GENERAL.—

(i) AUTHORITY.—Notwithstanding any other provision of law, except as provided under clause (iii), the presiding judge of a district court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(ii) OBSCURING OF WITNESSES.—Except as provided under clause (iii)—

(I) upon the request of any witness (other than a party) in a trial proceeding, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding; and

(II) the presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request the image and voice of that witness to be obscured during the witness’ testimony.

(iii) EXCEPTION.—The presiding judge shall not permit any action under this subparagraph, if that judge determines the action would constitute a violation of the due process rights of any party.

(B) NO TELEVISIONING OF JURORS.—The presiding judge shall not permit the televising of any juror in a trial proceeding.

(3) ADVISORY GUIDELINES.—The Judicial Conference of the United States may promulgate advisory guidelines to which a presiding judge, at the discretion of that judge, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described under paragraphs (1) and (2).

(4) SUNSET OF DISTRICT COURT AUTHORITY.—The authority under paragraph (2) shall terminate 3 years after the date of the enactment of this Act.

SA 901. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 378, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE ____—RESTITUTION FOR VICTIMS OF CRIME ACT OF 2007

SEC. ____ 01. SHORT TITLE.

This title may be cited as the “Restitution for Victims of Crime Act of 2007”.

Subtitle A—Collection of Restitution

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the “Collection of Restitution Improvement Act of 2007”.

SEC. 1102. PROCEDURE FOR ISSUANCE AND ENFORCEMENT OF RESTITUTION.

Section 3664(f) of title 18, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

“(C)(i) Each restitution order shall—

“(I) contain information sufficient to identify each victim to whom restitution is owed;

“(II) require that a copy of the court order be sent to each such victim; and

“(III) inform each such victim of the obligation to notify the appropriate entities of any change in address.

“(ii) It shall be the responsibility of each victim to whom restitution is owed to notify the Attorney General, or the appropriate entity of the court, by means of a form to be provided by the Attorney General or the court, of any change in the victim’s mailing address while restitution is still owed to the victim.

“(iii) The confidentiality of any information relating to a victim under this subparagraph shall be maintained.

“(2) The court shall order that the restitution imposed is due in full immediately upon imposition.

“(3) The court shall direct the defendant—

“(A) to make a good-faith effort to satisfy the restitution order in the shortest time in which full restitution can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant’s assets or income;

“(B) to notify the court of any change in residence; and

“(C) to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant’s ability to pay restitution.

“(4) Compliance with all payment directions imposed under paragraphs (6) and (7) shall be prima facie evidence of a good faith effort under paragraph (3)(A), unless it is shown that the defendant has concealed or dissipated assets.

“(5) Notwithstanding any other provision of law, for the purpose of enforcing a restitution order, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by the grand jury that indicted the defendant for the crime for which restitution has been awarded, the United States Probation Office, or the Bureau of Prisons. A victim may also provide financial information concerning the defendant to the United States Attorney.

“(6)(A) At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—

“(i) impose special payment directions upon the defendant or modify such directions; or

“(ii) direct the defendant to make a single, lump sum payment, partial payments at specified intervals, in-kind payments, or a combination of payments at specified intervals and in-kind payments.

“(B) The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment reasonably can be made.

“(C) In-kind payments may be in the form of the return of property, replacement of property, or, if the victim agrees, services rendered to the victim or a person or organization other than the victim.

“(D) In ordering restitution, the court may direct the defendant to—

“(i) repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds; and

“(ii) surrender to the United States, or to the victim named in the restitution order, any interest of the defendant in any non-exempt asset.

“(E) The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for restitution.

“(7)(A) In determining whether to impose or modify specific payment directions, the court may consider—

“(i) the need to provide restitution to the victims of the offense;

“(ii) the financial ability of the defendant;

“(iii) the economic circumstances of the defendant, including the financial resources and other assets of the defendant and whether any of those assets are jointly controlled;

“(iv) the projected earnings and other income of the defendant;

“(v) any financial obligations of the defendant, including obligations to dependents;

“(vi) whether the defendant has concealed or dissipated assets or income; and

“(vii) any other appropriate circumstances.

“(B) Any substantial resources from any source, including inheritance, settlement, or other judgment, shall be applied to any outstanding restitution obligation.

“(8)(A) If the court finds that the economic circumstances of the defendant do not allow the payment of any substantial amount as restitution, the court may direct the defendant to make nominal payments of not less than \$100 per year toward the restitution obligation.

“(B) Any money received from the defendant under subparagraph (A) shall be disbursed so that any outstanding assessment imposed under section 3013 is paid first in full.

“(9) Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

“(10)(A) The ability of the Attorney General to enforce restitution obligations ordered under paragraph (2) shall not be limited by appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders for good cause shown and stated on the record.

“(B) Absent exceptional circumstances, as determined by the court, an order limiting the enforcement of restitution obligations shall—

“(i) require the defendant to deposit, in the registry of the district court, any amount of the restitution that is due;

“(ii) require the defendant to post a bond or other security to ensure payment of the restitution that is due; or

“(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

“(C) No order described in subparagraph (B) shall restrain the ability of the United States to continue its investigation of the defendant’s financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.”.

SEC. 1103. IMPOSITION OF CRIMINAL FINES AND PAYMENT DIRECTIONS.

Subsection 3572(d) of title 18, United States Code, is amended to read as follows:

“(d) PAYMENT.—

“(1) IN GENERAL.—The court shall order that any fine or assessment imposed be due in full immediately upon imposition.

“(2) EFFORTS TO MAKE PAYMENT.—The court shall—

“(A) direct the defendant to make a good-faith effort to satisfy the fine and assessment in the shortest time in which full payment can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant’s assets or income;

“(B) direct the defendant to notify the court of any change in residence; and

“(C) order the defendant to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant’s ability to pay restitution.

“(3) GOOD FAITH.—Compliance with all payment directions imposed by paragraphs (5) and (6) shall be prima facie evidence of a good faith effort under paragraph (2)(A), unless it is shown that the defendant has concealed or dissipated assets;

“(4) ACCESS TO INFORMATION.—Notwithstanding any other provision of law, for the purpose of enforcing a fine or assessment, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by a grand jury, the United States Probation Office, or the Bureau of Prisons.

“(5) PAYMENT SCHEDULE.—

“(A) IN GENERAL.—At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—

“(i) impose special payment directions upon the defendant or modify such directions; or

“(ii) direct the defendant to make a single, lump sum payment, or partial payments at specified intervals.

“(B) PERIOD OF TIME.—The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment can reasonably be made.

“(C) REPATRIATION.—The court may direct the defendant to repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds.

“(D) SURRENDER.—In ordering restitution, the court may direct the defendant to surrender to the United States any interest of the defendant in any non-exempt asset.

“(E) THIRD PARTIES.—If the court directs the defendant to repatriate or surrender any property in which it appears that any person other than the defendant may have a legal interest—

“(i) the court shall take such action as is necessary to protect such third party interest; and

“(ii) may direct the United States to initiate any ancillary proceeding to determine such third party interests in accordance with the procedures specified in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

“(F) EXCLUSIVITY OF REMEDY.—Except as provided in this section, no person may commence an action against the United States concerning the validity of the party’s alleged interest in the property subject to reparation or surrender.

“(G) PRESERVATION OF PROPERTY.—The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for payment of the fine or assessment.

“(6) CONSIDERATIONS.—In determining whether to impose or modify special payment directions, the court may consider—

“(A) the need to satisfy the fine or assessment;

“(B) the financial ability of the defendant;

“(C) the economic circumstances of the defendant, including the financial resources and other assets of the defendant, and whether any of those assets are jointly controlled;

“(D) the projected earnings and other income of the defendant;

“(E) any financial obligations of the defendant, including obligations to dependents;

“(F) whether the defendant has concealed or dissipated assets or income; and

“(G) any other appropriate circumstances.

“(7) USE OF RESOURCES.—Any substantial resources from any source, including inheritance, settlement, or other judgment shall be applied to any fine or assessment still owed.

“(8) NOMINAL PAYMENTS.—If the court finds that the economic circumstances of the defendant do not allow the immediate payment of any substantial amount of the fine or assessment imposed, the court may direct the defendant to make nominal payments of not less than \$100 per year toward the fine or assessment imposed.

“(9) INMATE FINANCIAL RESPONSIBILITY PROGRAM.—Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

“(10) ENFORCEMENT.—

“(A) IN GENERAL.—The ability of the Attorney General to enforce the fines and assessment ordered under paragraph (1) shall not be limited by an appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders, for good cause shown and stated on the record.

“(B) EXCEPTIONS.—Absent exceptional circumstances, as determined by the court, an order limiting enforcement of a fine or assessment shall—

“(i) require the defendant to deposit, in the registry of the district court, any amount of the fine or assessment that is due;

“(ii) require the defendant to post a bond or other security to ensure payment of the fine or assessment that is due; or

“(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

“(C) OTHER ACTIVITIES.—No order described in subparagraph (B) shall restrain the ability of the United States to continue its investigation of the defendant’s financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.

“(1) SPECIAL ASSESSMENTS.—The requirements of this subsection shall apply to the imposition and enforcement of any assessment imposed under section 3013 of this title.”

SEC. 1104. COLLECTION OF UNPAID FINES OR RESTITUTION.

Section 3612(b) of title 18, United States Code, is amended to read as follows:

“(b) INFORMATION TO BE INCLUDED IN JUDGMENT: JUDGMENT TO BE TRANSMITTED TO THE ATTORNEY GENERAL.—

“(1) IN GENERAL.—A judgment or order imposing, modifying, or remitting a fine or restitution order of more than \$100 shall include—

“(A) the name, social security account number, mailing address, and residence address of the defendant;

“(B) the docket number of the case;

“(C) the original amount of the fine or restitution order and the amount that is due and unpaid;

“(D) payment orders and directions imposed under section 3572(d) and section 3664(f) of this title; and

“(E) a description of any modification or remission.

“(2) TRANSMITTAL OF COPIES.—Not later than 10 days after entry of the judgment or order described in paragraph (1), the court shall transmit a certified copy of the judgment or order to the Attorney General.”

SEC. 1105. ATTORNEY’S FEES FOR VICTIMS.

(a) ORDER OF RESTITUTION.—Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “or” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

“(B) reimburse the victim for attorneys’ fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or”;

(D) in subparagraph (C), as so redesignated by this subsection, by inserting “or (B)” after “subparagraph (A)”;

(2) in paragraph (4)—

(A) by inserting “(including attorneys’ fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)” after “other expenses related to participation in the investigation or prosecution of the offense”; and

(B) by striking “and” at the end;

(3) in paragraph (5), by striking the period and inserting “; and”;

(4) by adding at the end the following:

“(6) in any case, reimburse the victim for reasonably incurred attorneys’ fees that are necessary and foreseeable results of the defendant’s crime (which shall not include payment of salaries of Government attorneys).”

(b) MANDATORY RESTITUTION TO VICTIMS OF CERTAIN CRIMES.—Section 3663A(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “or” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

“(B) reimburse the victim for attorneys’ fees reasonably incurred in an attempt to re-

trieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or”;

(D) in subparagraph (C), as so redesignated by this subsection, by inserting “or (B)” after “subparagraph (A)”;

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

(3) in paragraph (4)—

(A) by inserting “(including attorneys’ fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)” after “other expenses related to participation in the investigation or prosecution of the offense”; and

(B) by striking the period and inserting “; and”;

(4) by adding at the end the following:

“(5) in any case, reimburse the victim for reasonably incurred attorneys’ fees that are necessary and foreseeable results of the defendant’s crime (which shall not include payment of salaries of Government attorneys).”

Subtitle B—Preservation of Assets for Restitution

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the “Preservation of Assets for Restitution Act of 2007”.

SEC. 1202. AMENDMENTS TO THE MANDATORY VICTIMS RESTITUTION ACT.

(a) IN GENERAL.—Chapter 232 of title 18, United States Code, is amended by inserting after section 3664 the following:

“§ 3664A. Preservation of assets for restitution

“(a) PROTECTIVE ORDERS TO PRESERVE ASSETS.—

“(1) IN GENERAL.—Upon the Government’s ex parte application and a finding of probable cause to believe that a defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, the court—

“(A) shall—

“(i) enter a restraining order or injunction;

“(ii) require the execution of a satisfactory performance bond; or

“(iii) take any other action necessary to preserve the availability of any property traceable to the commission of the offense charged; and

“(B) if it determines that it is in the interests of justice to do so, shall issue any order necessary to preserve any nonexempt asset (as defined in section 3613) of the defendant that may be used to satisfy such restitution order.

“(2) PROCEDURES.—Applications and orders issued under paragraph (1) shall be governed by the procedures under section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) and in this section.

“(3) MONETARY INSTRUMENTS.—If the property in question is a monetary instrument (as defined in section 1956(c)(5)) or funds in electronic form, the protective order issued under paragraph (1) may take the form of a warrant authorizing the Government to seize the property and to deposit it into an interest-bearing account in the Registry of the Court in the district in which the warrant was issued, or into another such account maintained by a substitute property custodian, as the court may direct.

“(4) POST-INDICTMENT.—A post-indictment protective order entered under paragraph (1) shall remain in effect through the conclusion of the criminal case, including sentencing and any post-sentencing proceedings, until seizure or other disposition of the subject property, unless modified by the court upon a motion by the Government or under subsection (b) or (c).

“(b) DEFENDANT’S RIGHT TO A HEARING.—

“(1) IN GENERAL.—In the case of a preindictment protective order entered under subsection (a)(1), the defendant’s right to a post-restraint hearing shall be governed by paragraphs (1)(B) and (2) of section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)).

“(2) POST-INDICTMENT.—In the case of a post-indictment protective order entered under subsection (a)(1), the defendant shall have a right to a post-restraint hearing regarding the continuation or modification of the order if the defendant—

“(A) establishes by a preponderance of the evidence that there are no assets, other than the restrained property, available to the defendant to retain counsel in the criminal case or to provide for a reasonable living allowance for the necessary expenses of the defendant and the defendant’s lawful dependents; and

“(B) makes a prima facie showing that there is bona fide reason to believe that the court’s ex parte finding of probable cause under subsection (a)(1) was in error.

“(3) HEARING.—

“(A) IN GENERAL.—If the court determines that the defendant has satisfied the requirements of paragraph (2), it may hold a hearing to determine whether there is probable cause to believe that the defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, and that the seized or restrained property may be needed to satisfy such restitution order.

“(B) PROBABLE CAUSE.—If the court finds probable cause under subparagraph (A), the protective order shall remain in effect.

“(C) NO PROBABLE CAUSE.—If the court finds under subparagraph (A) that no probable cause exists as to some or all of the property, or determines that more property has been seized and restrained than may be needed to satisfy a restitution order, it shall modify the protective order to the extent necessary to release the property that should not have been restrained.

“(4) REBUTTAL.—If the court conducts an evidentiary hearing under paragraph (3), the court shall afford the Government an opportunity to present rebuttal evidence and to cross-examine any witness that the defendant may present.

“(5) PRETRIAL HEARING.—In any pretrial hearing on a protective order issued under subsection (a)(1), the court may not entertain challenges to the grand jury’s finding of probable cause regarding the criminal offense giving rise to a potential restitution order. The court shall ensure that such hearings are not used to obtain disclosure of evidence or the identities of witnesses earlier than required by the Federal Rules of Criminal Procedure or other applicable law.

“(c) THIRD PARTY’S RIGHT TO POST-RESTRAINT HEARING.—

“(1) IN GENERAL.—A person other than the defendant who has a legal interest in property affected by a protective order issued under subsection (a)(1) may move to modify the order on the grounds that—

“(A) the order causes an immediate and irreparable hardship to the moving party; and

“(B) less intrusive means exist to preserve the property for the purpose of restitution.

“(2) MODIFICATION.—If, after considering any rebuttal evidence offered by the Government, the court determines that the moving party has made the showings required under paragraph (1), the court shall modify the order to mitigate the hardship, to the extent that it is possible to do so while preserving the asset for restitution.

“(3) INTERVENTION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) or paragraph (1), a person

other than a defendant has no right to intervene in the criminal case to object to the entry of any order issued under this section or otherwise to object to an order directing a defendant to pay restitution.

“(B) EXCEPTION.—If, at the conclusion of the criminal case, the court orders the defendant to use particular assets to satisfy an order of restitution (including assets that have been seized or restrained pursuant to this section) the court shall give persons other than the defendant the opportunity to object to the order on the ground that the property belonged in whole or in part to the third party and not to the defendant, as provided in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

“(d) GEOGRAPHIC SCOPE OF ORDER.—

“(1) IN GENERAL.—A district court of the United States shall have jurisdiction to enter an order under this section without regard to the location of the property subject to the order.

“(2) OUTSIDE THE UNITED STATES.—If the property subject to an order issued under this section is located outside of the United States, the order may be transmitted to the central authority of any foreign state for service in accordance with any treaty or other international agreement.

“(e) NO EFFECT ON OTHER GOVERNMENT ACTION.—Nothing in this section shall be construed to preclude the Government from seeking the seizure, restraint, or forfeiture of assets under the asset forfeiture laws of the United States.

“(f) LIMITATION ON RIGHTS CONFERRED.—Nothing in this section shall be construed to create any enforceable right to have the Government seek the seizure or restraint of property for restitution.

“(g) RECEIVERS.—

“(1) IN GENERAL.—A court issuing an order under this section may appoint a receiver under section 1956(b)(4) to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, that have been restrained in accordance with this section.

“(2) DISTRIBUTION OF PROPERTY.—The receiver shall have the power to distribute property in its control to each victim identified in an order of restitution at such time, and in such manner, as the court may authorize.”

(b) CONFORMING AMENDMENT.—The section analysis for chapter 232 of title 18, United States Code, is amended by inserting after the item relating to section 3664 the following:

“Sec. 3664A. Preservation of assets for restitution.”

SEC. 1203. AMENDMENTS TO THE ANTI-FRAUD INJUNCTION STATUTE.

Section 1345(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “or” at the end; and

(B) by inserting after subparagraph (C) the following:

“(D) committing or about to commit a Federal offense that may result in an order of restitution;” and

(2) in paragraph (2)—

(A) by striking “a banking violation” and all that follows through “healthcare offense” and inserting “a violation or offense identified in paragraph (1)” and

(B) by inserting “or offense” after “traceable to such violation”.

SEC. 1204. AMENDMENTS TO THE FEDERAL DEBT COLLECTION PROCEDURES ACT.

(a) PROCESS.—Section 3004(b)(2) of title 28, United States Code, is amended by inserting after “in which the debtor resides.” the following: “In a criminal case, the district

court for the district in which the defendant was sentenced may deny the request.”

(b) PREJUDGMENT REMEDIES.—Section 3101 of title 28, United States Code, is amended—

(1) in subsection (a)(1) by inserting after “the filing of a civil action on a claim for a debt” the following: “or in any criminal action where the court may enter an order of restitution”; and

(2) in subsection (d)—

(A) by inserting after “The Government wants to make sure [name of debtor] will pay if the court determines that this money is owed.” the following:

“In a criminal action, use the following opening paragraph: You are hereby notified that this [property] is being taken by the United States Government [the Government], which says that [name of debtor], if convicted, may owe as restitution \$ [amount]. The Government says it must take this property at this time because [recite the pertinent ground or grounds from section 3101(b)]. The Government wants to make sure [name of debtor] will pay if the court determines that restitution is owed.”;

(B) by inserting after “a statement that different property may be so exempted with respect to the State in which the debtor resides.” the following:

“[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]” and

(C) by inserting after “You must also send a copy of your request to the Government at [address], so the Government will know you want the proceeding to be transferred.” the following:

“If this Notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.”

(c) ENFORCEMENT.—Section 3202(b) of title 28, United States Code, is amended—

(1) by inserting after “a statement that different property may be so exempted with respect to the State in which the debtor resides.” the following:

“[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]” and

(2) by inserting after “you want the proceeding to be transferred.” the following:

“If this notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.”

Subtitle C—Environmental Crimes Restitution

SEC. 1301. SHORT TITLE.

This subtitle may be cited as the “Environmental Crimes Restitution Act of 2007”.

SEC. 1302. IMMEDIATE AVAILABILITY OF RESTITUTION TO VICTIMS OF ENVIRONMENTAL CRIMES.

Section 3663(a)(1)(A) of title 18, United States Code, is amended by striking “or section 5124, 46312, 46502, or 46504 of title 49,” and inserting “paragraph (2) or (3) of section 309(c) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)), section 105(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415(b)), section 9(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1908(a)), section 1423 or subsection (a) or (b) of section 1432 of the Safe Drinking Water Act (42 U.S.C. 300h-2 and 300i-1), subsection (d) or (e) of section 3008 of the Solid Waste Disposal Act (42 U.S.C. 6928), paragraph (1) or (5) of section 113(c) of the Clear Air Act (42 U.S.C. 7413(c)), or section 46312, 46502, or 46504 of title 49.”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 19, 2007, at 9:30 a.m., in open session to receive testimony on the Department of Defense’s management of costs under the Logistics Civil Augmentation Program (LOGCAP) contract in Iraq.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, April 19, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to discuss the importance of basic research to U.S. competitiveness in science.

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

COMMITTEE ON FINANCE

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 19, 2007, at 10 a.m., in 2125 Dirksen Senate Office Building, to hear testimony on “Grains, Cane, and Automobiles: Tax Incentives for Alternative Fuels and Vehicles”.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, April 19, 2007, at 9 a.m. for a hearing titled “Dangerous Exposure: The Impact of Global Warming on Private and Federal Insurance.”

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

COMMITTEE ON THE JUDICIARY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct hearing on “Department of Justice Oversight” on Thursday, April 19, 2007 at 9:30 a.m., in Hart Senate Office Building room 216.

Witness

The Honorable Alberto Gonzales, Attorney General, United States Department of Justice, Washington, DC.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 19, 2007 at 2:30 p.m. to hold a hearing.

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