S.J. RES. 1

At the request of Mr. KYL, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. CON. RES. 18

At the request of Mr. LIEBERMAN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Michigan (Mr. LEVIN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Louisiana (Mr. BREAUX), the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. KERRY), the Senator from Indiana (Mr. BAYH), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Con. Res. 18, a concurrent resolution expressing the sense of Congress that the United States should strive to prevent teen pregnancy by encouraging teenagers to view adolescence as a time for education and maturing and by educating teenagers about the negative consequences of early sexual activity; and for other purposes.

S. CON. RES. 31

At the request of Mr. LIEBERMAN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Con. Res. 31, a concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq.

S. RES. 90

At the request of Mr. BYRD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 90, a resolution expressing the sense of the Senate that the Senate strongly supports the nonproliferation programs of the United States.

S. RES. 97

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. Res. 97, a resolution expressing the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. NELSON of Florida, Mr. JEFFORDS, Mr. CORZINE, Mr. REED, Mr. KENNEDY, and Mrs. Boxer):

S. 794. A bill to amend title 49, United States Code, to improve the system for enhancing automobile fuel efficiency, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN:

S. 795. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for enhancing motor vehicle fuel efficiency, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, today I rise to introduce a package of legislation—two bills—designed to put us back on track for improved fuel efficiency among automobiles.

I support a balanced, forward-looking energy policy, which should include a strong provision to lessen our dependence on foreign oil. In 2002, the Senate spent several weeks debating energy policy, including fuel efficiency. Unfortunately, a strong bill on this topic was not enacted into law last year.

Both chambers of Congress are currently crafting a national energy policy. As the challenging times we currently face demonstrates, we cannot delay in addressing our national energy policy, including oil consumption.

Throughout the debate on energy policy, I have emphasized that the best way to lessen our Nation's dependence on foreign oil is to improve the fuel efficiency of our automobiles. Transportation as a sector is the largest user of petroleum. If we are truly committed to crafting a forward-thinking energy policy, automobile fuel efficiency is the place to start.

In 1975 the United States Congress had a vision: to double the fuel efficiency of our Nation's passenger vehicles in ten years. By 1985 the automotive industry achieved the goal that Congress set. As of 2001, thanks to the Corporate Average Fuel Economy, CAFE, law, oil consumption was about 2.8 million barrels per day lower than it otherwise would be.

Unfortunately, progress is now at a stand-still, and in fact, the average fuel economy in the United States has slipped since 1985. Since peaking at 22.1 mpg in 1987 and 1998, average fuel economy declined nearly eight percent to 20.4 in 2001, lower than it had been at any time since 1980. Average fuel economy for automobiles 8,500 pounds and fewer continues to decline. One major factor in this regression is the fact that passenger standards have not increased since 1985. While the Bush Administration has recently increased non-passenger standards by a modest 1.5 mpg, this is not enough to compensate for the progress we have failed to achieve for more than a decade.

Another reason why we are losing ground in terms of fuel efficiency is the exploitation of the ''non-passenger vehicle'' category. Originally intended to cover trucks used for business-oriented purposes, such as farming and construction, this category soon was seriously abused, so that it now includes minivans, sport utility vehicles, SUVs, and cross-over utility vehicles, CUVs.

In addition, out-dated provisions of our tax code have encouraged increased manufacturing and purchasing of non-passenger vehicles. For example, the Federal gas guzzler excise tax, enacted in 1978, exempted non-passenger vehicles. At the time, few non-passenger vehicles existed, aside from heavy duty trucks and vans. But today, sales of SUVs, minivans, and CUVs make up over 30 percent of new vehicle purchases. As these sales have grown, these vehicles have enjoyed increasing subsidies by the Federal Government. In 1999, the SUV loophole in the gas guzzler tax cost the government $5.6 billion in uncollected taxes.

For those in America who want to make a difference in terms of energy policy: take a look at the parking lots across America. Take a look at the inefficient vehicles we are driving on the road today, because this Congress and country have not shown the leadership to spur development of more efficient cars and trucks in America.

We can improve the fuel efficiency of vehicles. We have done it in the past, and we can do it again. A panel at the National Academy of Sciences, the Union of Concerned Scientists, and other reputable organizations have documented the myriad technologies available today, and emerging technologies, that will reduce or eliminate the need for oil in our vehicles.

Today we squarely face the question and challenge of energy security. I believe American families are ready to do their part for their country by purchasing more fuel-efficient vehicles. And I believe the auto manufacturers, scientists and engineers of this country are ready to step up to the plate and produce more fuel-efficient vehicles. By supporting improved fuel economy, we can lead and demonstrate to future generations that we are prepared to make a sacrifice for our national security, environment, and public health.

Many have already voiced their support for decreasing our dependence on oil. I am submitting for the record several editorials, which are just a sample of the many public calls for enacting an energy policy that includes a way to conserve oil. I also am submitting letters from national organizations calling for more fuel efficient vehicles. I ask that these documents be printed in the RECORD at the end of my statement.

Today I am introducing two bills to get us back on the track of progress, to increase fuel efficiency for both passenger and non-passenger vehicles.

The Automobile Fuel Efficiency Improvements Act will increase the fuel economy standard for both types of vehicles. It will increase the CAFE standard of passenger automobiles to 40 miles a gallon by 2015, a 60 percent increase above the current average of 25 miles a gallon, with the first increase required in model year 2006. The bill also will increase the fuel economy of non-passenger automobiles to 27.5 miles a gallon by 2015, a 60 percent increase above the current average of 17.5 miles a gallon, with the first increase required in model year 2006. Through the CAFE standards required this bill, we will save a cumulative 123 billion gallons of gasoline, and over 250 million metric tons of carbon dioxide emissions, by 2015.

This bill also will close the loopholes in the non-passenger vehicle definition. It will update the weight cut-off for

passenger and non-passenger automobiles, to reflect changing trends in vehicle weight. Many vehicles, such as the new SUV called the Hummer, weigh more than 8,500 pounds, the current weight cut-off for regulation under CAFE. This bill will regulate vehicles up to 12,000 pounds, in order to prevent large passenger vehicles from circumventing the system. In addition, SUVs, minivans, and CUVs would be considered passenger vehicles under this bill.

Another provision of this bill would establish a Federal procurement requirement for the purchase of vehicles that exceed CAFE standards. The bill also requires a study to improve the accuracy of the EPA test for fuel economy, and would implement necessary changes to the test, so that we can better account for improvements in fuel efficiency based on how vehicles are truly performing on the roads. Finally, this bill would update the civil penalties for violating CAFE laws, to adjust the amounts for inflation.

The second bill I am introducing today, the Tax Incentives for Fuel Efficient Vehicles Act, would modify the tax code. First, this bill would create a new tax credit for purchasers of passenger and non-passenger vehicles that exceed CAFE standards by at least 5 miles a gallon. Second, this bill would modify the gas guzzler tax, effective at the beginning of Model Year 2006, so that SUVs and other passenger vehicles currently escaping the tax through an existing loophole would be included. Heavy-duty trucks and vans would continue to be excluded.

Modifying the gas guzzler tax to include SUVs, minivans, and CUVs will help us advance the policy goal of discouraging vehicles that are especially inefficient in terms of energy consumption, while at the same time raising revenues that can be used to provide an incentive for vehicles that are especially fuel-efficient. This approach will help spawn investment in automobiles that are better for our environment, energy security and consumers.

I would ask my colleagues to note that it is my intention that the Tax Incentives for Fuel Efficient Vehicles Act will have virtually no cost to the Federal Government. If the revenues raised by the expansion of the gas guzzler tax do not adequately compensate for the cost of the credit, I will adjust the size of the credit accordingly.

I am proud to have the support of Senators NELSON, FL, JEFFORDS, CORZINE, REED and KENNEDY in introducing the Automobile Fuel Efficiency Improvements Act. Also I am pleased that the following organizations are supporting the Automobile Fuel Efficiency Improvements Act: Sierra Club, Union of Concerned Scientists, Natural Resources Defense Council, U.S. PIRG, National Environmental Trust, Friends of the Earth, Public Citizen, The Wilderness Society, Citizen Action Illinois, Coalition on the Environment and Jewish Life, National Council of Churches, Hadassah, the Women's Zionist Organization of America, American Jewish Committee, Jewish Council for Public Affairs, Union of American Hebrew Congregations, Central Conference of American Rabbis, MoveOn, and Chesapeake Climate Action Network.

For the benefit of our children and future generations, I urge my colleagues to support this important legislation.

SIERRA CLUB,
Washington, DC, February 27, 2003.

DEAR CONGRESS MEMBER: Protecting our environment and the health and safety of our families are values that are clearly and consistently supported by the majority of Americans. As the nation's oldest and largest grassroots environmental organization, the Sierra Club looks forward to working with you and your staff to keep America's promise to leave a cleaner planet to future generations.

The challenge facing the 108th Congress is not merely to maintain existing protections, but to take common-sense steps to protect our communities from environmental hazards and to safeguard our natural heritage. Poll after poll confirms that Americans—regardless of demographics or political persuasion—care about protecting our special places, restoring our forests, promoting smart growth, and improving the safety or our clean air and water.

However, public support alone is not enough. It is for this reason that the Sierra Club works with our more than 750,000 members nationwide to educate their neighbors about environmental threats and opportunities, mobilize their communities to demand environmental protection, and to hold public officials accountable for their actions.

Sierra Club members are looking to their elected representatives to continue progress on protecting our communities, improving the quality of our air and water, and ensuring a natural heritage of wilderness, parks and open spaces for future generations. As the 108th Congress begins, I would like to inform you about the particular issues on which the Sierra Club's members will be seeking your support:

Oppose efforts to weaken the framework of existing laws that safeguard public health and the environment and improve the quality of our air and water, and protect our communities from toxic pollution;

Support measures that safeguard America's wildlife and unique natural heritage from Alaska's Arctic National Wildlife Refuge to the wildlands of Utah and California;

Provide adequate funding for the enforcement of environmental protection programs;

In reauthorizing TEA–21, give priority to maintaining existing roads and bridges over new construction, and defend the National Environmental Policy Act and Clean Air Conformity laws from attack;

Push for policies that reduce global warming pollution, reduce our dependence on fossil fuels and increase our energy security by increasing our fuel economy, energy efficiency and reliance on clean renewable sources of energy;

Protect the health and integrity of National Forests along with the public's right to participate in the management of our public lands;

Fully fund international and domestic family planning programs that are critically important to stabilizing population;

Ensure tough environmental standards in future US trade agreements, and the personal safety and civil liberties of those on the front lines of environmental protection around the world.

Many of your constituents are also our members, which is why we would like to work together in Washington and in your district to protect the land we all love. Attached is a contact sheet of our issue experts in several policy areas. If you have any questions about upcoming legislation, would like to find out more about Sierra Club positions, or would like to get in touch with our members in your district, please do not hesitate to contact us.

We look forward to continuing to work with you and your staff to protect America's environment, for our families, for our future.

Sincerely,

DEBBIE SEASE,
Legislative Director.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, March 24, 2003.

[Re Boxer/Chafee amendment to the Senate budget resolution.

Hon. RICHARD J. DURBIN,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR DURBIN: On behalf of the over 550,000 members of Natural Resources Defense Council (NRDC), I thank you for supporting the Boxer/Chafee amendment to the Senate budget resolution preventing oil and gas development in the Arctic National Wildlife Refuge.

You have voted to insure the continued protection of the Arctic Refuge's ''biological heart,'' critical to nearly 200 species of wildlife. This area known as America's Serengeti serves as a denning area for polar bears in the winter, a nesting and/or feeding area for millions of migratory birds, and the calving grounds for the 130,000 member Porcupine caribou herd which returns every summer to calf and feed. This herd has supported the Gwich'in Indian's way of life for thousands of generations. The American public overwhelmingly agrees with you that the coastal plain—one of our nation's most spectacular wilderness areas—is too precious to destroy.

Drilling in the Arctic Refuge makes no sense. It won't lower gasoline prices and, it won't give us energy independence or security. The best estimate is that there is less than a six-month supply equivalency of oil that can be economically produced from the Refuge—a mere drop in the bucket—and, we won't get it for ten years.

Improving fuel efficiency of our automobiles is the cheapest, fastest and cleanest energy solution. Efficiency savings can be tapped immediately and would cost less than half as much as producing oil from the Arctic Refuge. Improving the fuel efficiency of America's automobile fleet by just one percent per year would save more than 10 times as much oil as is likely to be available in the Arctic Refuge. Advanced hybrid electric vehicles announced by Ford and already being produced by Honda and Toyota achieve about a 50% improvement in fuel economy. In contrast to drilling in the Arctic Refuge, increasing fuel efficiency will help slow down global warming.

We thank you for your leadership to save this irreplaceable natural treasure. We salute your dedication to the protection of this great crown jewel.

Sincerely yours,

JOHN H. ADAMS,
President, Natural Resources Defense Council.

[From the New York Times, Mar. 23, 2003]

THE MISSING ENERGY STRATEGY

The Senate struck a blow for the environment and for common sense last week, defeating President Bush's second attempt in less than a year to open the Arctic National Wildlife Refuge to oil exploration. Credit goes to the Democrats, who mainly held firm

in a close 52-to-48 vote, and to a small, sturdy group of moderate Republicans, which now includes Norm Coleman, a Minnesota freshman who wisely chose not to renege on his campaign promise to protect the refuge despite an aggressive sales pitch from senior Republicans and the White House.

The pitch included the usual hyperbole from the Alaska delegation, which typically inflates official estimates of economically recoverable oil in the refuge by a factor of four. It also included a new but equally spurious argument minted for the occasion, namely that rising gas prices and the war in Iraq made drilling more urgent than ever. In truth, Arctic oil will have no influence on gas prices until it actually comes out of the ground, and even then it is likely to reduce American dependence on foreign oil by only a few percentage points.

Nevertheless it is much too soon for the environmental community or its Senate champions, like Joseph Lieberman, John McCain and James Jeffords, to rest on their well-earned laurels. Drilling proposals will almost certainly resurface, most likely in energy bills now on the drawing boards in both the House and Senate. Beyond that, neither the White House nor the Republican leadership shows any appetite for developing what America really needs: innovative policies that point toward a cleaner, more efficient and less oil-dependent energy future. Instead, the White House and its Congressional allies continue to push a retrograde strategy—of which Arctic drilling was just one component—that faithfully caters to President Bush's friends in the oil, gas and coal industries and remains heavily biased toward the production of fossil fuels.

On this score, the energy bills now being drawn up on Capitol Hill offer no more hope than the 2002 models. Last year's energy plan, which mercifully expired in a conference committee, was top-heavy with subsidies for industry and light on incentives for energy efficiency, alternative fuels and other forms of conservation. The news from the relevant Congressional committees suggests more of the same. Just last week, Edward Markey of Massachusetts offered his colleagues on the House energy committee a proposal to increase fuel economy standards for cars and light trucks, including S.U.V.'s, by about 20 percent by 2010. This is not an unreasonable goal, given Detroit's technological capabilities, and would save 1.6 million barrels a day, more than double the recent imports from Iraq and far more than the Arctic refuge could produce in the same time frame. The committee crushed the idea.

The last two years have given the country plenty of reasons to re-examine its energy policies: a power crisis in California, the attacks of 9/11 and now a war in the very heart of the biggest oil patch in the world. It is plainly time to move forward in a systematic way with new ideas. But the best we can do, it appears, is to beat back bad ones.

[From the Fort Worth Star-Telegram, Nov. 8, 2002]

MORE PER GALLON

Standards: Congress must approve higher vehicle mileage requirements in order to reverse a troubling trend.

Body: Each year the Environmental Protection Agency trots out mileage ratings for new car models. And year after year, the news is depressing.

On Oct. 29, the EPA reported that the average fuel economy for all 2003-model cars and passenger trucks is a paltry 20.8 miles per gallon.

That's down slightly from last year. But more notably, it's 6 percent below the peak for passenger vehicle efficiency of 22.1 mpg set 15 years ago.

In the past decade and a half, automakers have made technological improvements that have increased engine efficiency significantly. But those gains have been offset by millions of Americans buying ever-larger gas guzzlers.

Much of the blame lies in Washington, where the Bush administration and Congress haven't been able to come to a consensus on energy policy and apparently lack the will to mandate even a modest increase in the Corporate Average Fuel Economy (CAFE) standards for vehicles.

Those standards—which haven't been changed for 17 years—require that each automaker's fleet of new cars averages 27.5 mpg. Light trucks (which include pickups, minivans and sport utility vehicles) must average only 20.7 mpg.

The solution is simple: Congress should raise the CAFE standards significantly, particularly for light trucks. But the new standards should be reasonable ones that automakers can meet.

Continued improvement in engine technology is one key to meeting higher standards.

Some mileage gains also can be achieved even if automakers make no further technological improvements and Congress continues to sit on its hands.

Higher mileage standards would cut fuel consumption, which in turn would reduce air pollution, decrease America's dependence on foreign oil, save motorists money at the pump and increase the chances that metropolitan areas such as North Texas will be able to attain federal air quality standards.

Those are compelling reasons for Congress and the White House to adopt standards that will, for a change, result in higher annual mileage ratings instead of continued declines.

[From the St. Petersburg Times, Nov. 16, 2002]

MORE FUEL-EFFICIENCY IS NEEDED

Americans are getting a confusing message on automobile mileage. ''By driving a more fuel-efficient vehicle, a vehicle powered by alternative fuels, or even by driving our current vehicles more efficiently, we can all do our part to reduce our Nation's reliance on imported oil and strengthen our energy security,'' Energy Secretary Spencer Abraham recently announced.

Good advice. But Abraham chose an odd occasion to make his appeal. He and Environmental Protection Agency chief Christie Whitman were announcing the mileage figures for 2003 cars and passenger trucks. The average of 20.8 MPG continued a downward trend on fuel efficiency that has continued for the past decade and a half.

In fact, the percentage of cars getting more than 30 MPG declined in the new model year to only 4 percent of cars, down from 6 percent last year. So it is even more difficult for American drivers to heed Abraham's call to conserve.

If President Bush, who is Abraham's boss, or Congress really wanted to lessen our dependence on foreign oil, they would have embraced tougher mileage requirements. Yet, Vice President Dick Cheney set the tone for the administration by scorning energy conservation. Congress also backed away from more stringent Corporate Average Fuel Economy standards, which have been frozen since 1994. Even pro-environment Democrats played along with the makers of gas-guzzling SUVs when the United Auto Workers union opposed improved fuel efficiency, arguing it would cost jobs (and union members).

Improving mileage isn't that difficult. ''We could be averaging close to 30 to 40 miles per gallon, and that's with conventional technology: nonhybrids, better engines, better transmission, improved aerodynamics,'' said David Friedman, a senior analyst with the Union of Concerned Scientists.

Instead, our wasteful ways complicate foreign policy in the Middle East, whose oil fuels not only our cars but also repressive regimes and terrorism. Soon enough, American soldiers could be in harm's way in the region. Rather than winking at the decline in fuel efficiency, our leaders should set about reversing the troubling trend.

The president and congressional leaders should require automakers to improve CAFE standards. They also should call on Americans to share the sacrifices that lie ahead. We are likely to respond.

[From the Los Angeles Times, Aug. 8, 2002]

STOP YOUR GROUSING, AUTO MAKERS, AND GET THE GASES OUT

(By Carl Zichella)

The auto industry howled when Gov. Gray Davis signed California's landmark global warming control bill. Litigation to overturn the new law, which restricts automobile emissions of carbon dioxide and other so-called greenhouse gases, was threatened before his signature was dry.

For auto industry observers, there was a sense of deja vu about this hysterical response. Every time the government has required new safety or efficiency standards, auto makers have claimed that the result would be financial ruin, the elimination of thousands of jobs and the loss of consumer choice.

The truth is that the industry was wrong at every turn, and it is wrong now. Car makers, instead of suing to overturn this much-needed law, should get busy complying with it. No new technology needs to be developed.

This is the industry that fought turn signals, seat belts and safety glass. Henry Ford II called laminated windshields, padded interiors and collapsible steering wheels ''unreasonable, arbitrary and technically unfeasible.''

When Congress required auto manufacturers to build cleaner cars in 1973, the industry response was hyperbolic. ''If GM is forced to introduce catalytic converter systems across the board . . . it is conceivable that complete stoppage of the entire production could occur,'' warned a GM vice president. The company easily complied, consumers benefited and GM suffered no appreciable hardship.

In 1974, a Ford official told a congressional committee that ''corporate average fuel economy''—CAFE—standards would ''result in a Ford product line consisting either of all sub-Pinto-sized vehicles or some mix of vehicles ranging from sub-sub-compact to perhaps a Maverick.'' That couldn't have been more wrong.

According to the Rocky Mountain Institute, from 1977 to 1983 American-built cars increased in efficiency by seven miles per gallon. From 1977 through 1985, the U.S. gross domestic product rose 27% while oil imports fell by 42%. OPEC lost an eighth of its market. Few public policies have ever been such a resounding success. Vehicle choice expanded while oil prices declined.

The sky isn't falling for auto manufacturers, but the planet is getting warmer, and the consequences for California are severe. If the snowpack in the Sierra declines, bitter competition for water will result since about 70% of California drinking water originates there.

Further, farmland will become more arid and sea levels will rise, reducing food production and flooding coastal cities. Forests will shrink and some of the most valuable wildlife habitat on Earth will vanish or be altered.

The good news is that some simple solutions are at hand. This year Ford sponsored a ''Future Truck'' competition for university engineering students to build more-efficient sport utility vehicles. If you believe the industry's rhetoric, you'd think that SUVs will be abolished. But Ford's ''Future Truck'' contestants showed the ridiculousness of this charge.

Students at the University of Wisconsin-Madison this year modified a Ford Explorer to get the equivalent of 38 mpg. Others built a GMC Suburban that emits about half the carbon dioxide of the production version. More-efficient vehicles mean less CO_2 emissions. You don't need to require mileage standards—something that federal law forbids the state to do—to get these benefits; all the state needs to do is require the auto makers use the best technology available.

If university students can do this, why can't the Big Three? Ford boasts that it plans to introduce a hybrid gas-electric SUV in 2003. This model would meet the standard far ahead of the new law's generous 2009 deadline. Instead of suing California, auto makers should do what is right and comply with the law.

● Mr. NELSON of FLORIDA. Mr. President, I am pleased to join with my colleague, Senator DURBIN of Illinois, and others, in introducing a Corporate Average Fuel Efficiency bill that requires passenger vehicles to have an average fuel efficiency of 40 miles per gallon and nonpassenger vehicles to have an average fuel efficiency 27.5 miles per gallon by 2015.

This proposal should be an important part of the upcoming debate on the energy needs of our country. I was very disappointed last year during the energy debate when several meaningful CAFE proposals were defeated.

Now, as we again embark on the important task of determining how our country's energy needs will be met in the coming decades, CAFE increases should be a part of the plan.

It has been said many times, but is worth repeating: the purpose of increasing CAFE is to reduce fuel consumption.

The U.S. consumes 25 percent of the world's oil, but only has 3 percent of the world's reserves—so we have to use less of it and find alternatives.

Our national security depends on it. If we don't have to rely on other countries, many of whom do not support our policies and may be in fact be working against us, for our energy, we as a nation are more secure.

And increasing CAFE protects the environment. Toxic air emissions and carbon dioxide emissions are reduced—thereby slowing global warming.

The automobile manufacturers won't embrace this proposal, but they should. The 2001 National Academy of Sciences' report said 40 mph is possible and feasible.

The technology exists to raise CAFE significantly with no net consumer costs. And, developing technologies, including hybrid vehicle designs, could improve vehicle fuel economy by 20–40 percent. We're perfectly willing to give auto manufacturers the lead time necessary to make these strides, but the benchmark has to be there to spur them into action.

The pay off to our national security, environment, level of technological expertise and market share will be worth the effort.

I have faith in the ingenuity of our automakers and the adaptability of the American consumer to make an increased CAFE standard profitable.

For these reasons, I lend my support to Senator DURBIN's measure and look forward to working with my colleagues on this issue during the upcoming energy debate.●

By Mr. DORGAN (for himself and Mr. WARNER):

S. 804. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable tax credit for contributions to congressional candidates; to the Committee on Finance.

Mr. DORGAN. Mr. President, today, I am introducing a bill with my colleague from Virginia, Senator WARNER, that provides tax incentives for American families to participate in political campaigns. It will empower millions of Americans to become engaged in our political system, by providing a tax credit to those who donate money to congressional candidates.

As campaigns become more and more expensive, the number of small contributors is actually decreasing. The current campaign finance system is becoming dominated by big dollar contributors, a trend that is troubling to me.

Our bill would make middle income Americans more able to donate to candidates. Specifically, the bill would provide a maximum $400 tax credit to married couples earning up to $120,000 for their campaign contributions. For singles with income up to $60,000, the tax credit would apply to contributions up to $200. This credit will provide a dollar for dollar offset for contributions, an incentive that could encourage the many working families to consider contributions to the candidates of their choice.

This is not a new idea. This type of credit was a part of our tax system for more than a decade in the 1970s and 1980s. It has been a part of many campaign finance reform proposals over the years, proposals that have been introduced and supported by both Democrats and Republicans. And this policy proposal is the focus of a study last year by the American Enterprise Institute, AEI, which concluded that this approach would help to elevate small donors from the supporting role that they now play. So, our proposal has been successful in the past, and it has had broad support from both parties over the past thirty years.

Participation in the political process is key to a strong democracy. This bill will help broaden participation and will provide an incentive for more Americans to be included in political campaigns.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 804

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

SECTION 1. CREDIT FOR CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

(a) GENERAL RULE.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. CONTRIBUTIONS TO CONGRESSIONAL CANDIDATES.

''(a) GENERAL RULE.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the total of contributions to candidates for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

''(b) MAXIMUM CREDIT.—The credit allowed by subsection (a) for a taxable year shall not exceed $200 ($400 in the case of a joint return).

''(c) VERIFICATION.—The credit allowed by subsection (a) shall be allowed, with respect to any contribution, only if such contribution is verified in such manner as the Secretary shall prescribe by regulations.

''(d) DEFINITIONS.—For purposes of this section—

''(1) CANDIDATE; CONTRIBUTION.—The terms 'candidate' and 'contribution' have the meanings given such terms in section 301 of the Federal Election Campaign Act of 1971.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any taxpayer whose adjusted gross income for the taxable year does not exceed $60,000 ($120,000 in the case of a joint return).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 642 of the Internal Revenue Code of 1986 (relating to special rules for credits and deductions of estates or trusts) is amended by adding at the end the following new subsection:

''(j) CREDIT FOR CERTAIN CONTRIBUTIONS NOT ALLOWED.—An estate or trust shall not be allowed the credit against tax provided by section 25C.''.

(2) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25B the following new item:

''Sec. 25C. Contributions to congressional candidates.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contributions made after the date of the enactment of this Act, in taxable years ending after such date.

By Mr. LEAHY (for himself, Mr. KENNEDY, Mr. CORZINE, Mr. DASCHLE, Mr. KERRY, Mr. FEINGOLD, Mrs. MURRAY, and Mr. SCHUMER):

S. 805. A bill to enhance the rights of crime victims, to establish grants for local governments to assist crime victims, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, this past Sunday marked the beginning of National Crime Victims' Rights Week. We set this week aside each year to focus attention on the needs and rights of crime victims. I am pleased to take

this opportunity to introduce legislation with my good friend from Massachusetts, Senator KENNEDY, and our cosponsors, Senators CORZINE, KERRY, MURRAY, and SCHUMER. Our bill, the Crime Victims Assistance Act of 2003, represents the next step in our continuing efforts to afford dignity and recognition to victims of crime.

My involvement with crime victims began more than three decades ago when I served as State's Attorney in Chittenden County, VT, 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, 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. Over the past two decades, Congress has passed several bills to this end. These bills have included: the Victims of Crime Act of 1984; the Victims' Bill of Rights of 1990; the Victims' Rights and Restitution Act of 1990; the Violence Against Women Act of 1994; the Mandatory Victims Restitution Act of 1996; the Victim Rights Clarification Act of 1997; the Crime Victims with Disabilities Awareness Act of 1998; the Victims of Trafficking and Violence Protection Act of 2000; the Victims of Terrorism Tax Relief Act of 2001; and the September 11th Victim Compensation Fund of 2001.

The legislation that we introduce today, the Crime Victims Assistance Act of 2003, builds upon this progress. It provides for comprehensive reform of the Federal law to establish enhanced rights and protections for victims of Federal crime. Among other things, our bill provides crime victims with the right to consult with the prosecution prior to detention hearings and the entry of plea agreements, and generally requires the courts to give greater consideration to the views and interests of the victim at all stages of the criminal justice process. Responding to concerns raised by victims of the Oklahoma City bombing, the bill provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial.

Assuring that victims are provided their statutorily guaranteed rights is a critical concern for all those involved in the administration of justice. Our bill would establish an administrative authority in the Department of Justice to receive and investigate victims' claims of unlawful or inappropriate action on the part of criminal justice and victims' service providers. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

In addition to these improvements to the Federal system, the bill proposes several innovative new programs to help States provide better services to victims of State crimes. The bill authorizes technology grants for local authorities to develop state-of-the-art notification systems to keep victims informed of case developments and important dates. Grants would also be available to improve compliance with State victim's rights laws, encourage further experimentation with the community-based restorative justice model, streamline access to victim services through the use of case managers, and expand the capacity of victim service providers to serve victims with limited English proficiency.

Finally, the Crime Victims Assistance Act would improve the manner in which the Crime Victims Fund is managed and preserved. Most significantly, the bill would eliminate the annual cap on spending from the Fund, which has prevented millions of dollars of Fund deposits from reaching victims and supporting essential services. We should not be imposing artificial caps on VOCA spending while substantial unmet needs continue to exist. The Crime Victims Assistance Act would replace the cap with a self-regulating system, supported by crime victim groups, that would ensure the stability and protection of Fund assets, while allowing more money to be distributed for victim programs.

These are all matters that can be considered and enacted this year with a simple majority of both Houses of Congress. They need not overcome the delay and higher standards necessitated by proposing to amend the Constitution. They need not wait the hammering out of implementing legislation before making a difference in the lives of crime victims.

I have on several occasions noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, many opportunities for progress have been squandered. One notable exception was the passage, as part of the USA PATRIOT Act of 2001, of several significant amendments to the Victims of Crime Act that Senator KENNEDY and I had proposed in an earlier version of the Crime Victims Assistance Act. I am glad that we could get those important provisions signed into law, but we still have more to do.

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 an opportunity to make additional, significant progress this year to provide the greater voice and rights that crime victims deserve. It is my hope that Democrats and Republicans, and supporters and opponents of the proposed constitutional amendment, will join in advancing the Crime Victims Assistance Act through Congress. We can make a difference in the lives of crime victims right now.

I ask unanimous consent that the text of the bill and the section-by-section analysis be printed in the RECORD.

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

S. 805

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 2003''.

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

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

SEC. 101. RIGHT TO CONSULT CONCERNING DETENTION.

(a) RIGHT TO CONSULT CONCERNING DETENTION.—Section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) is amended by striking paragraph (2) and inserting the following:

''(2) A responsible official shall—

''(A) arrange for a victim to receive reasonable protection from a suspected offender and persons acting in concert with or at the behest of the suspected offender; and

''(B) consult with a victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the safety of the victim.''.

(b) COURT CONSIDERATION OF THE VIEWS OF VICTIMS.—Chapter 207 of title 18, United States Code, is amended—

(1) in section 3142—

(A) in subsection (g)—

(i) in paragraph (3), by striking ''and'' at the end;

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

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

''(4) the views of the victim; and''; and

(B) by adding at the end the following:

''(k) VIEWS OF THE VICTIM.—During a hearing under subsection (f), the judicial officer shall inquire of the attorney for the Government if the victim has been consulted on the issue of detention and the views of such victim, if any.''; and

(2) in section 3156(a)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) the term 'victim' includes all persons defined as victims in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)(2)).''.

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 (as defined in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(e)(2)) in the prompt and appropriate disposition of the case, free from unreasonable delay.''.

SEC. 103. RIGHT TO CONSULT CONCERNING PLEA.

(a) RIGHT TO CONSULT CONCERNING PLEA.—Section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

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

''(4) A responsible official shall make reasonable efforts to notify a victim of, and consider the views of a victim about, any proposed or contemplated plea agreement. In determining what is reasonable, the responsible official should consider factors relevant to the wisdom and practicality of giving notice and considering views in the context of the particular case, including—

''(A) the impact on public safety and risks to personal safety;

''(B) the number of victims;

''(C) the need for confidentiality, including whether the proposed plea involves confidential information or conditions; and

''(D) whether time is of the essence in negotiating or entering a proposed plea.''.

(b) COURT CONSIDERATION OF THE VIEWS OF VICTIMS.—Rule 11 of the Federal Rules of Criminal Procedure is amended—

(1) by redesignating subdivisions (g) and (h) as subdivisions (h) and (i), respectively; and

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

''(g) VIEWS OF THE VICTIM.—Notwithstanding the acceptance of a plea of guilty, the court should not enter a judgment upon such plea without making inquiry of the attorney for the Government if the victim (as defined in section 503(e)(2) of the Victims' Rights and Restitution Act of 1990) has been consulted on the issue of the plea and the views of such victim, if any.''.

(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 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 (b), 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. 104. ENHANCED PARTICIPATORY RIGHTS AT TRIAL.

(a) AMENDMENTS TO VICTIM RIGHTS CLARIFICATION ACT.—Section 3510 of title 18, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

''(c) 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 pursuant to that section.

''(d) STANDING.—

''(1) IN GENERAL.—At the request of any victim of an offense, the attorney for the Government may assert the right of the victim under this section to attend and observe the trial.

''(2) VICTIM STANDING.—If the attorney for the Government declines to assert the right of a victim under this section, then the victim has standing to assert such right.

''(3) APPELLATE REVIEW.—An adverse ruling on a motion or request by an attorney for the Government or a victim under this subsection may be appealed or petitioned under the rules governing appellate actions, provided that no appeal or petition shall constitute grounds for unreasonably delaying a criminal proceeding.''.

(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 amending paragraph (4) to read as follows:

''(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. ENHANCED PARTICIPATORY RIGHTS AT SENTENCING.

(a) VIEWS OF THE VICTIM.—Section 3553(a) of title 18, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

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

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

''(7) the impact of the crime upon any victim of the offense as reflected in any victim impact statement and the views of any victim of the offense concerning punishment, if such statement or views are presented to the court; and''.

(b) ENHANCED RIGHT TO BE HEARD CONCERNING SENTENCE.—Rule 32 of the Federal Rules of Criminal Procedure is amended—

(1) in subdivision (c)(3)(E)—

(A) by striking ''if the sentence is to be imposed for a crime of violence or sexual abuse,''; and

(B) by inserting ''written or oral'' before ''statement''; and

(2) by amending subdivision (f) to read as follows:

''(f) DEFINITION.—For purposes of this rule, the term 'victim' means any individual against whom an offense has been committed for which a sentence is to be imposed, but the right of allocution under subdivision (c)(3)(E) may be exercised instead by—

''(1) a parent or legal guardian, if the victim is incompetent or has not reached 18 years of age; or

''(2) 1 or more family members or relatives designated by the court, if the victim is deceased or incapacitated,

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), 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 CONCERNING SENTENCE ADJUSTMENT, DISCHARGE FROM PSYCHIATRIC FACILITY, AND EXECUTIVE CLEMENCY.

(a) IN GENERAL.—Paragraph (6) of section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)), as redesignated by section 103 of this Act, is amended to read as follows:

''(6) After trial, a responsible official shall provide a victim the earliest possible notice of—

''(A) the scheduling of a parole hearing or a hearing on modification of probation or supervised release for the offender;

''(B) the escape, work release, furlough, discharge or conditional discharge, or any other form of release from custody of the offender, including an offender who was found not guilty by reason of insanity;

''(C) the grant of executive clemency, including any pardon, reprieve, commutation of sentence, or remission of fine, to the offender; and

''(D) the death of the offender, if the offender dies while in custody.''.

(b) REPORTING REQUIREMENT.—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.

SEC. 107. PROCEDURES TO PROMOTE COMPLIANCE.

(a) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Attorney General of the United States shall promulgate regulations to enforce the rights of victims of crime described in section 502 of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10606) and to ensure compliance by responsible officials with the obligations described in section 503 of that Act (42 U.S.C. 10607).

(b) CONTENTS.—The regulations promulgated under subsection (a) shall—

(1) establish an administrative authority within the Department of Justice to receive and investigate complaints relating to the provision or violation of the rights of a crime victim;

(2) require a course of training for employees and offices of the Department of Justice that fail to comply with provisions of Federal law pertaining to the treatment of victims of crime, and otherwise assist such employees and offices in responding more effectively to the needs of victims;

(3) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice who willfully or wantonly fail to comply with provisions of Federal law pertaining to the treatment of victims of crime; and

(4) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and that 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 ENFORCE COMPLIANCE WITH STATE CRIME VICTIM'S RIGHTS LAWS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) COMPLIANCE AUTHORITY.—The term ''compliance authority'' means 1 of the compliance authorities established and operated under a program under subsection (b) to enforce the rights of victims of crime.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office for Victims of Crime.

(3) OFFICE.—The term ''Office'' means the Office for Victims of Crime.

(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 in 5 States to establish and operate compliance authorities to enforce the rights of victims of crime.

(2) AGREEMENTS.—

(A) IN GENERAL.—The Attorney General, acting through the Director, shall enter into an agreement with a State to conduct a pilot program referred to in paragraph (1), which agreement shall provide for a grant to assist the State in carrying out the pilot program.

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

(i) the compliance authority shall be established and operated in accordance with this section; and

(ii) except with respect to meeting applicable requirements of this section concerning carrying out the duties of a compliance authority under this section (including the applicable reporting duties under subsection (f) and the terms of the agreement), a compliance authority 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 compliance authority.

(c) OBJECTIVES.—

(1) MISSION.—The mission of a compliance authority established and operated under a pilot program under this section shall be to promote compliance and effective enforcement of State laws regarding the rights of victims of crime.

(2) DUTIES.—A compliance authority established and operated under a pilot program under this section shall—

(A) receive and investigate complaints relating to the provision or violation of the rights of a crime victim; and

(B) issue findings following such investigations.

(3) OTHER DUTIES.—A compliance authority established and operated under a pilot program under this section may—

(A) pursue legal actions to define or enforce the rights of victims;

(B) review procedures established by public agencies and private organizations that provide services to victims, and evaluate the delivery of services to victims by such agencies and organizations;

(C) coordinate and cooperate with other public agencies and private organizations concerned with the implementation, monitoring, and enforcement of the rights of victims and enter into cooperative agreements with such agencies and organizations for the furtherance of the rights of victims;

(D) ensure a centralized location for victim services information;

(E) recommend changes in State policies concerning victims, including changes in the system for providing victim services;

(F) provide public education, legislative advocacy, and development of proposals for systemic reform; and

(G) advertise to advise the public of its services, purposes, and procedures.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit an application to the Director which includes assurances that—

(1) the State has provided legal rights to victims of crime at the adult and juvenile levels;

(2) a compliance authority that receives funds under this section will include a role for—

(A) representatives of criminal justice agencies, crime victim service organizations, and the educational community;

(B) a medical professional whose work includes work in a hospital emergency room; and

(C) a therapist whose work includes treatment of crime victims; and

(3) Federal funds received under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available to enforce the rights of victims of crime.

(e) PREFERENCE.—In awarding grants under this section, the Attorney General shall give preference to a State that provides legal standing to prosecutors and victims of crime to assert the rights of victims of crime.

(f) OVERSIGHT.—

(1) TECHNICAL ASSISTANCE.—The Director may provide technical assistance and training to a State that receives a grant under this section to achieve the purposes of this section.

(2) ANNUAL REPORT.—Each State that receives a grant under this section shall submit to the Director, for each year in which funds from a grant received under this section are expended, a report that contains—

(A) a summary of the activities carried out under the grant;

(B) an assessment of the effectiveness of such activities in promoting compliance and effective implementation of the laws of that State regarding the rights of victims of crime;

(C) a strategic plan for the year following the year covered under subparagraph (A); and

(D) such other information as the Director may require.

(g) REVIEW OF PROGRAM EFFECTIVENESS.—

(1) IN GENERAL.—The Director of the National Institute for Justice shall conduct an evaluation of the pilot programs carried out under this section to determine the effectiveness of the compliance authorities that are the subject of the pilot programs in carrying out the mission and duties described in subsection (c).

(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Director of the National Institute of Justice shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report on the results of the evaluation required by paragraph (1).

(h) DURATION.—A grant under this section shall be made for a period not longer than 4 years, but may be renewed for a period not to exceed 2 years on such terms as the Director may require.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, to remain available until expended—

(A) $5,000,000 for fiscal year 2004; and

(B) such sums as may be necessary for each of the fiscal years 2005 and 2006.

(2) EVALUATIONS.—Up to 5 percent of the amount authorized to be appropriated under paragraph (1) in any fiscal year may be used for administrative expenses incurred in conducting the evaluations and preparing the report required by subsection (g).

SEC. 202. INCREASED RESOURCES TO DEVELOP STATE-OF-THE-ART SYSTEMS FOR NOTIFYING CRIME VICTIMS OF IMPORTANT DATES AND DEVELOPMENTS.

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

"SEC. 1404D. VICTIM NOTIFICATION GRANTS.

''(a) IN GENERAL.—The Director may make grants as provided in section 1404(c)(1)(A) to State, tribal, and local prosecutors' offices, law enforcement agencies, courts, jails, and correctional institutions, and to 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 on a timely and efficient basis.

''(b) INTEGRATION OF SYSTEMS.—Systems developed and implemented under this section may be integrated with existing case management systems operated by the recipient of the grant.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $10,000,000 for fiscal year 2004;

''(2) $5,000,000 for fiscal year 2005; and

''(3) $5,000,000 for fiscal year 2006.

''(d) 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.''.

SEC. 203. RESTORATIVE JUSTICE GRANTS.

(a) PURPOSES.—The purposes of this section are to—

(1) hold juvenile offenders accountable for their offenses, while ensuring the continuing safety of victims;

(2) involve victims and the community in the juvenile justice process;

(3) obligate the offender to pay restitution to the victim and to the community through community service or through financial or other forms of restitution; and

(4) equip juvenile offenders with the skills needed to live responsibly and productively.

(b) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to units of local governments, tribal governments, and qualified private entities to establish restorative justice programs, such as victim and offender mediation, family and community conferences, family and group conferences, sentencing circles, restorative panels, and reparative boards, as an alternative to, or in addition to, incarceration.

(c) PROGRAM CRITERIA.—A program funded by a grant made under this section shall—

(1) be fully voluntary by both the victim and the offender (who must admit responsibility), once the prosecuting agency has determined that the case is appropriate for this program;

(2) include as a critical component accountability conferences, at which the victim will have the opportunity to address the offender directly, to describe the impact of the offense against the victim, and the opportunity to suggest possible forms of restitution;

(3) require that conferences be attended by the victim, the offender and, when possible, the parents or guardians of the offender, and the arresting officer; and

(4) provide an early, individualized assessment and action plan to each juvenile offender in order to prevent further criminal behavior through the development of appropriate skills in the juvenile offender so that the juvenile is more capable of living productively and responsibly in the community.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $8,000,000 for fiscal year 2004; and

(2) $4,000,000 for each of the fiscal years 2005 and 2006.

SEC. 204. GRANTS TO DEVELOP INTERDISCIPLINARY COORDINATED SERVICE PROGRAMS FOR VICTIMS OF CRIME.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404D, as added by section 202 of this Act, the following:

"SEC. 1404E. INTERDISCIPLINARY COORDINATED SERVICE PROGRAMS.

''(a) IN GENERAL.—The Director is authorized to award grants under section 1404(c)(1)(A) to States, tribal governments, local governments, and qualified public or private entities, to develop and implement interdisciplinary coordinated service programs for victims of crime.

''(b) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) INTERDISCIPLINARY COORDINATED SERVICE PROGRAM.—The term 'interdisciplinary coordinated service program' means a case management program that coordinates the various systems and programs that impact or assist victims of crime, including—:

''(A) the criminal justice system;

''(B) public or private victim assistance organizations;

''(C) victim compensation programs;

''(D) public or private health care services;

''(E) public or private mental health services;

''(F) community-based victim service organizations;

''(G) public or private educational services, including preschool, after-school care, and child care programs; and

''(H) other public or private sources of services or assistance to victims of crime.

''(2) EMERGENCY INTERDISCIPLINARY COORDINATED SERVICE PROGRAM.—The term 'emergency interdisciplinary coordinated service program' means an interdisciplinary coordinated service program that responds to a community crisis.

''(3) COMMUNITY CRISIS.—The term 'community crisis' means a single crime or multiple related crimes that have a wide impact or serious consequences on a community.

''(4) LEAD ENTITY.—

''(A) IN GENERAL.—The term 'lead entity' means the State, tribal government, local prosecutor's office, or qualified public or private entity with experience working across disciplines and agencies, that leads the interdisciplinary coordinated service program or emergency interdisciplinary coordinated service program.

''(B) RESPONSIBILITIES.—The lead entity is responsible for distributing funds to any entities collaborating on the interdisciplinary coordinated service program or emergency interdisciplinary coordinated service program, as necessary.

''(c) MISSION.—The mission of a program developed and implemented with a grant under this section shall be to—

''(1) streamline access to services by victims of crime;

''(2) eliminate barriers to services for victims of crime;

''(3) coordinate client services across disciplines to assure continuity of care, including the use of technology to link service providers to each other;

''(4) improve how victims of crime experience the criminal justice system in order to promote cooperation and trust;

''(5) reduce duplication of effort in outreach and provision of services to victims;

''(6) assist crime victims in avoiding unnecessary and repetitive interviewing, retelling of victimization, and completion of applications; and

''(7) improve service delivery through client input and feedback.

''(d) PREFERENCE.—In awarding grants under this section, the Director shall give preference to lead entities that collaborate with the most comprehensive coalition of entities that impact or serve victims of crime.

''(e) OVERSIGHT—

''(1) FUNDING PROPOSAL.—The proposed distribution of funding among the lead entity and any collaborating entities shall be included in any grant application for funding.

''(2) REPORT.—Each lead entity that receives a grant under this section shall submit to the Director, for each year in which funds from a grant under this section are expended, a report assessing the effectiveness of the emergency interdisciplinary coordinated service program or the interdisciplinary coordinated service program.

''(f) REVIEW OF PROGRAM EFFECTIVENESS.—

''(1) IN GENERAL.—The Director of the National Institute for Justice shall conduct an evaluation of the emergency interdisciplinary coordinated service programs and the interdisciplinary coordinated service programs carried out under this section to determine the effectiveness and cost effectiveness of the programs in carrying out the mission and duties described under subsection (c).

''(2) REPORT.—Not later than 5 years after the date of enactment of this Act, the Director of the National Institute of Justice shall submit, to the Committees on the Judiciary of the House of Representatives and the Senate, a written report on the results of the evaluation required under paragraph (1).

''(g) DURATION.—The Director shall award grants under this section for a period not to exceed 4 years, but may renew the grant for a period not to exceed 2 years on such terms as the Director may reasonably require.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated, in addition to funds made available by section 1402(d)(4)(C)—

''(A) $6,000,000 for each of the fiscal years 2004 through 2007 for emergency interdisciplinary service programs; and

''(B) $14,000,000 for each of the fiscal years 2004 through 2007 for interdisciplinary service programs.

''(2) DEADLINES.—Funds appropriated for emergency interdisciplinary service programs shall be made available by the Director not later than 30 days after the date of the community crisis and distributed not later than 120 days after the date of the community crisis.

''(3) TRANSFER OF UNEXPENDED FUNDS.—All funds appropriated, but not expended, for emergency interdisciplinary service programs during each fiscal year shall be obligated to interdisciplinary service programs for distribution in the subsequent fiscal year and shall not be diverted to offset increased spending.

''(4) EVALUATION.—Funds appropriated pursuant to paragraph (1) may be used to carry out the provisions under subsection (f).

''(5) MAINTENANCE OF EFFORT.—Funds appropriated pursuant to this section shall be

used to supplement, and not supplant, non-Federal funds that would otherwise be available to support interdisciplinary service programs and emergency interdisciplinary service programs.

''(i) 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.''.

SEC. 205. GRANTS FOR SERVICES TO CRIME VICTIMS WITH SPECIAL COMMUNICATION NEEDS.

The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404E, as added by section 204 of this Act, the following:

''SEC. 1404F. SERVICES TO VICTIMS WITH SPECIAL COMMUNICATION NEEDS.

''(a) IN GENERAL.—The Director is authorized to award demonstration grants under section 1404(c)(1)(A) to States, tribal governments, local governments, and qualified public or private entities to support the extension of services to victims with special communication needs.

''(b) MISSION.—The mission of a demonstration grant awarded under this section shall be to expand the capacity of victim service providers to serve crime victims with special communication needs relating to limited English proficiency, hearing loss, or developmental disabilities.

''(c) USE OF FUNDS.—Activities funded under a demonstration grant awarded under this section may include—

''(1) contracting with a telephonic interpreter service to offer services to a specified pool of victim service providers, at no additional cost to such service providers or at a discounted rate;

''(2) the use of local interpreters;

''(3) the use of bilingual or multilingual victim advocates or assistants;

''(4) foreign language classes and cultural competency training for service providers;

''(5) translation of materials;

''(6) hearing assistance devices;

''(7) services to help individuals with developmental disabilities understand court proceedings;

''(8) community outreach; and

''(9) other means to improve accessibility of victim services for crime victims with special communication needs.

''(d) TASK FORCES.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, a State, tribal government, local government, or qualified public or private entity shall have established a task force to study needs and alternatives for promoting greater access to services for crime victims with special communication needs.

''(2) MEMBERSHIP.—The task force referred to in paragraph (1) shall be composed of representatives of—

''(A) system and non-system based victim service providers;

''(B) the predominant ethnic communities; and

''(C) individuals with severe hearing loss or developmental disabilities.

''(3) RECOMMENDATIONS.—Each task force referred to in paragraph (1) shall—

''(A) study the issues described under paragraph (1) during the period of any grant awarded; and

''(B) make specific recommendations for expenditures by the grant recipient.

''(e) ANNUAL REPORT.—Each entity that receives a grant under this section shall submit to the Director, for each year in which funds from a grant received under this section are expended, a report containing—

''(1) a summary of the activities carried out under the grant;

''(2) an assessment of the effectiveness of such activities in extending services to previously unserved and underserved victims of crime;

''(3) a strategic plan for the year following the year covered under paragraph (1); and

''(4) such other information as the Director may require.

''(f) DURATION.—The Director shall award demonstration grants under this section for a period not to exceed 4 years, but may renew the grant for a period not to exceed 2 years on such terms as the Director may reasonably require.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, which shall remain available until expended—

''(1) $500,000 for fiscal year 2004; and

''(2) $5,000,000 for each of the fiscal years 2005 through 2007.

''(h) 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.''.

TITLE III—AMENDMENTS TO VICTIMS OF CRIME ACT OF 1984

SEC. 301. FORMULA FOR DISTRIBUTIONS FROM THE CRIME VICTIMS FUND.

(a) FORMULA FOR FUND DISTRIBUTIONS.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

''(c) FUND DISTRIBUTION; RETENTION OF SUMS IN FUND; AVAILABILITY FOR EXPENDITURE WITHOUT FISCAL YEAR LIMITATION.—

''(1)(A) Except as provided in subparagraphs (B) and (C), the total amount to be distributed from the Fund in any fiscal year shall be not less than 105 percent nor more than 115 percent of the total amount distributed from the Fund in the previous fiscal year, provided that the amount shall at a minimum be sufficient fully provide grants in accordance with sections 1403(a)(1), 1404(a)(1), and 1404(c)(2).

''(B) In any fiscal year that there is an insufficient amount in the Fund to fully provide grants in accordance with subparagraph (A), the amounts made available for grants under sections 1403(a), 1404(a), and 1404(c) shall be reduced by an equal percentage.

''(C) In any fiscal year that the total amount available in the Fund is more than 2 times the total amount distributed in the previous fiscal year, up to 125 percent of the amount distributed in the previous fiscal year may be distributed.

''(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.''.

(b) ESTABLISHMENT OF BASE AMOUNT FOR TOTAL VICTIM ASSISTANCE GRANTS.—Section 1404(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following:

''(B) Except as provided in section 1402(c)(1)(B), the total amount distributed to States under this subsection in any fiscal year shall not be less than the average amount distributed for this purpose during the prior 3 fiscal years.''.

(c) ESTABLISHMENT OF BASE AMOUNT FOR OVC DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended by inserting after ''(2)'' the following: ''Except as provided in section 1402(c)(1)(B), the amount available for grants under this subsection in any fiscal year shall not be less than the average amount available for this purpose during the prior 3 fiscal years.''.

SEC. 302. CLARIFICATION REGARDING ANTITERRORISM EMERGENCY RESERVE.

Section 1402(d)(5)(C) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(C)) is amended by inserting '', and any amounts used to replenish such reserve,'' after ''any such amounts carried over''.

SEC. 303. PROHIBITION ON DIVERTING CRIME VICTIMS FUND TO OFFSET INCREASED SPENDING.

(a) PURPOSE.—The purpose of this section is to ensure that amounts deposited in the Crime Victims Fund (as established by section 1402(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(a)) are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending.

(b) TREATMENT OF CRIME VICTIMS FUND.—Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended by adding at the end the following:

''(h) For purposes of congressional points of order, the Congressional Budget Act of 1974, and the Balanced Budget and Emergency Deficit Control Act of 1985, any limitation on spending from the Fund included in the President's budget or enacted in appropriations legislation for fiscal year 2004 or any subsequent fiscal year shall not be scored as discretionary savings.''.

CRIME VICTIMS ASSISTANCE ACT OF 2003—SECTION-BY-SECTION SUMMARY

OVERVIEW

The Crime Victims Assistance Act of 2003 represents an important step in Congress's continuing efforts to provide assistance and afford respect to victims of crime. The bill will accomplish three major goals. First, it will provide enhanced rights and protections for victims of federal crimes. Second, it will assist victims of State crimes through grant programs designed to promote compliance with State victim's rights laws. Third, it will improve the manner in which the Crime Victims Fund is managed and preserved.

TITLE I—VICTIM RIGHTS IN THE FEDERAL SYSTEM

Sec. 101. Right to consult concerning detention. Requires the government to consult with victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the victim. Requires the court to make inquiry during a detention hearing concerning the views of the victim, and to consider such views in determining whether the suspected offender should be detained.

Sec. 102. Right to a speedy trial. Requires the court to consider the interests of the victim in the prompt and appropriate disposition of the case, free from unreasonable delay.

Sec. 103. Right to consult concerning plea. Requires the government to make reasonable efforts to notify the victim of, and consider the victim's views about, any proposed or contemplated plea agreement. Requires the court, prior to entering judgment on a plea, to make inquiry concerning the views of the victim on the issue of the plea.

Sec. 104. Enhanced participatory rights at trial. Provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial. Extends the Victim Rights Clarification Act to apply to televised proceedings. Amends the Victims' Rights and Restitution Act of 1990 to strengthen the right of crime victims to be present at court proceedings, including trials.

Sec. 105. Enhanced participatory rights at sentencing. Requires the probation officer to include as part of the presentence report any victim impact statement submitted by a victim. Extends to all victims the right to make a statement or present information in relation to the sentence. Requires the court to consider the victim's views concerning punishment, if such views are presented to the court, before imposing sentence.

Sec. 106. Right to notice concerning sentence adjustment, discharge from psychiatric facility, and executive clemency. Requires the government to provide the victim the earliest possible notice of (1) the scheduling of a hearing on modification of probation or supervised release for the offender; (2) the discharge or conditional discharge from a psychiatric facility of an offender who was found not guilty by reason of insanity; or (3) the grant of executive clemency to the offender. Requires the Attorney General to report to Congress concerning executive clemency matters delegated for review or investigation to the Attorney General.

Sec. 107. Procedures to promote compliance. Establishes an administrative system for enforcing the rights of crime victims in the Federal system.

TITLE II—VICTIM ASSISTANCE INITIATIVES

Sec. 201. Pilot programs to enforce compliance with State crime victim's rights laws. Authorizes the establishment of pilot programs in five States to establish and operate compliance authorities to promote compliance and effective enforcement of State laws regarding the rights of victims of crime. Compliance authorities will receive and investigate complaints relating to the provision or violation of a crime victim's rights, and issue findings following such investigations. Amounts authorized are $5 million through FY2004, and such sums as necessary for the next two fiscal years.

Sec. 202. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments. Authorizes grants to develop and implement crime victim notification systems. Amounts authorized are $10 million through FY2004, and $5 million for each of the next two fiscal years.

Sec. 203. Restorative justice grants. Authorizes grants to establish juvenile restorative justice programs. Eligible programs shall: (1) be fully voluntary by both the victim and the offender (who must admit responsibility); (2) include as a critical component accountability conferences, at which the victim will have the opportunity to address the offender directly; (3) require that conferences be attended by the victim, the offender, and when possible, the parents or guardians of the offender, and the arresting officer; and (4) provide an early, individualized assessment and action plan to each juvenile offender. These programs may act as an alternative to, or in addition to, incarceration. Amounts authorized are $8 million through FY2004, and $4 million for each of the next two fiscal years.

Sec. 204. Grants to develop interdisciplinary coordinated service programs for victims of crime. Authorizes grants to establish or develop case management programs that can coordinate the various systems and programs that impact or assist victims, thereby streamlining access to services and reducing ''revictimization'' within the criminal justice system. Emergency interdisciplinary coordinated service programs will respond to events that have serious consequences on a particular community, such as terrorist attacks. Amounts authorized are $6 million for each of the next four fiscal years.

Sec. 205. Grants for services to crime victims with special communication needs. Authorizes demonstration grants to expand the capacity of victim service providers to serve victims with special communication needs, such as limited English proficiency, hearing disabilities, and developmental disabilities. Amounts authorized are $500,000 through FY2004, and $5 million for each of the next three fiscal years.

TITLE III—AMENDMENTS TO THE VICTIMS OF CRIME ACT

Sec. 301. Formula for distributions from the Crime Victims Fund. Replaces the annual cap on distributions from the Crime Victims Fund with a formula that ensures stability in the amounts distributed while preserving the amounts remaining in the Fund for use in future years. In general, subject to the availability of money in the Fund, the total amount to be distributed in any fiscal year shall be not less than 105 percent nor more than 115 percent of the total amount distributed in the previous fiscal year. This section also establishes minimum levels of annual funding for both State victim assistance grants and discretionary grants by the Office for Victims of Crime.

Sec. 302. Clarification regarding antiterrorism emergency reserve. Clarifies the intent of the USA PATRIOT Act regarding the restructured Antiterrorism emergency reserve, which was that any amounts used to replenish the reserve after the first year would be above any limitation on spending from the Fund.

Sec. 303. Prohibition on diverting crime victims fund to offset increased spending. Ensures that the amounts deposited in the Crime Victims Fund are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending.

Mr. KENNEDY. Mr. President, victims of crime deserve to have their voices heard and be notified about important events in the criminal justice system relating to their cases, and they deserve enforceable rights under the law.

Today, my colleagues and I are introducing the Crime Victims Assistance Act. It is especially appropriate that we do so this week, which is National Crime Victims' Rights Week. Our bill is intended to define the rights of victims more clearly, and establish effective means to implement and enforce these rights. Equally important, it does so without taking the unnecessary and time-consuming step of amending the Constitution.

Our bill strengthens protections for victims of both violent and nonviolent Federal crimes, and gives them a greater voice in the criminal justice system. It gives victims a number of important rights, such as the right to be notified and consulted on detention and plea agreements; the right to be present and heard at trial and at sentencing; and the right to be notified of a scheduled hearing on a sentence adjustment, discharged from a psychiatric facility, or grant of clemency.

The rights established by this bill will fill existing gaps in Federal criminal law and will be a major step toward guaranteeing that victims of crime receive fair treatment and are afforded the respect they deserve. Our bill achieves these goals in a way that does not interfere with the rights of the States to protect victims in ways appropriate to each State.

Rather than mandating that States modify their criminal justice procedures in particular ways, our bill authorizes the use of Federal funds to establish effective programs to promote victim rights compliance. It increases resources for the development of state-of-the-art systems for notifying victims of important dates and developments in their cases. It provides funds for the development of community-based programs relating to those rights. It also provides funds for case management programs to streamline access to victims services and reduce ''revictimization'' by the criminal justice system, and enable service providers to help victims with special communication needs, such as limited English proficiency, hearing disabilities, and developmental disability.

Finally, our bill replaces the cap on spending form the Crime Victims Fund, which has prevented millions of dollars of fund deposits from reaching victims and supporting essential services. The bill adopts a new approach supported by victim groups to strengthen the stability of the fund and protect its assets, while allowing more funds to be distributed for victim programs.

We do not have to amend the Constitution to achieve these important goals. The Constitution is the foundation of our democracy. It reflects the enduring principles of our country. The Framers deliberately made the Constitution difficult to amend because it was never intended to be used for normal legislative purposes. If it is not necessary to amend the Constitution to achieve particular goals, it is necessary not to amend it. Our legislation is well-designed to establish effective and enforceable rights for victims of crime, and I urge my colleagues to support it.

By Mr. SESSIONS (for himself and Mr. HATCH):

S. 807. A bill to amend title 18, United States Code, to provide a maximum term of supervised release of life for sex offenders; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, the legislation I have offered, along with Senator HATCH, who chairs the Judiciary Committee, is called the Lifetime Consequences for Sex Offenders Act of 2003. It is supported by the U.S. Department of Justice.

We will be seeking to include it within the child crimes bill, otherwise known as the PROTECT Act.

Studies show that sexual offenders are prone toward recidivism throughout their lives. A 1988 study of sexual recidivism factors on child molesters showed that 43 percent of offenders sexually reoffended within a 4-year followup period—43 percent, almost half of them who were caught. Within a 4-year period, maybe others reoffended and were not caught. So one way to help curb that recidivism is to place the defendant on supervised release for a period of years after he or she is released from prison.

Currently, under 18 U.S.C. Section 3543, a Federal judge is allowed to impose a term of 1 to 5 years supervised release on a convicted sex offender. In a review of 42 studies regarding sexual-offender recidivism in which researchers followed up on the offenders, the researchers have found that the longer the followup period is, the greater is the percentage of those who will commit another crime. So it means they tend to reoffend way out into extended periods of time.

So this will give the sentencing court discretion to place a sex offender on supervised release for a term of up to life if the court thinks that is appropriate.

Mr. President, I had one of America's finest citizens in my office this afternoon, John Walsh of the ''America's Most Wanted'' program, of which he is known so well. He has been a champion of protecting children from sexual predators and abuse. He told me there is no doubt—and there is no doubt scientifically or any other way—that child predators and sexual offenders and child molesters tend to be recidivists. Pedophiles continue that activity. We wish it were not so, but we see that in the papers every day—people who have had prior problems, who have not just offended one time.

When I was a Federal prosecutor, I prosecuted a number of individuals charged with sexual based offenses. In almost every instance, those who are apprehended—possessing child pornography, making child pornography—had a history prior to that, over a period of years, of the molestation of other children. In fact, I remember one who did not appear to have that history, and the agent ended up talking to his daughter or step-daughter, and she said when she was a young girl, he had molested her. So there was never one defendant that I had, in the fifteen years I prosecuted, who did not have a history of it.

It is a problem that we know is real. And it is not correct or wise to have a judge maybe sentence somebody to jail for 5 years in custody, and then they get out, and the most the judge can supervise them is 1 to 5 years. They may still be molesting children 25 years down the road. Supervision can help them avoid repeat offenses and can help protect children. And they will have a probation or parole officer supervising their activities, making them report, on a daily basis, knowing where they are working, making sure they are not working in an area that could endanger children.

I think this is a commonsense bill. Senator HATCH and I are pleased to offer it. It is something that needs to be made a part of American law.

I appreciate the leadership that John Walsh has committed to these issues and the PROTECT Act, in particular.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 807

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lifetime Consequences for Sex Offenders Act of 2003''.

SEC. 2. AMENDMENT TO TITLE 18.

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (e)(3), by inserting ''on any such revocation'' after ''required to serve'';

(2) in subsection (h), by striking ''that is less than the maximum term of imprisonment authorized under subsection (e)(3)''; and

(3) by adding at the end the following:

''(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years or life.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 105—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF NEW HAMPSHIRE V. MACY E. MORSE, ET AL.

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

Whereas, in the case of State of New Hampshire v. Macy E. Morse, et al., pending in Portsmouth District Court for the State of New Hampshire, testimony has been requested from Joel Maiola, a staff member in the office of Senator Judd Gregg;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privilege of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Joel Maiola is authorized to provide testimony in the case of State of New Hampshire v. Macy E. Morse, et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Joel Maiola in connection with any testimony authorized in section one of this resolution.

SENATE RESOLUTION 106—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE 50TH ANNIVERSARY OF THE FOREIGN AGRICULTURAL SERVICE OF THE DEPARTMENT OF AGRICULTURE

Mr. COCHRAN (for himself, Mr. HARKIN, Mr. CHAMBLISS, Mr. ROBERTS, Mr. GRASSLEY, Mr. CONRAD, Mrs. DOLE, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 106

Whereas during the term of President Dwight David Eisenhower and the era of Secretary of Agriculture Ezra Taft Benson, it became apparent that the development of external markets was needed to ensure the financial viability of the agricultural sector of the United States;

Whereas the Foreign Agricultural Service was established on March 10, 1953, to develop and expand markets for United States agricultural commodities and products;

Whereas the Foreign Agricultural Service has represented agricultural interests of the United States during a period of expansion of United States agricultural exports from less than $3,000,000,000 in 1953 to more than $50,000,000,000 in 2002; and

Whereas the number of organizations engaged in the public and private partnership established by the Foreign Agricultural Service to promote United States agricultural exports has grown from 1 organization in 1955 to more than 80 organizations in 2003, with market development and expansion occurring in nearly every global marketplace: Now, therefore, be it

Resolved, That the Senate—

(1) on the 50th anniversary of the establishment of the Foreign Agricultural Service on March 10, 1953, recognizes the Service for—

(A) cooperating with, and leading, the United States agricultural community in developing and expanding export markets for United States agricultural commodities and products;

(B) identifying the private partners capable of carrying out the mission of the Service;

(C) identifying and expanding markets for United States agricultural commodities and products;

(D) introducing innovative and creative ways of expanding the markets;

(E) providing international food assistance to feed the hungry worldwide;

(F) addressing unfair barriers to United States agricultural exports;

(G) implementing strict procedures governing the use and evaluation of programs and funds of the Service; and

(H) overseeing the use of taxpayers dollars to carry out programs of the Service; and

(2) declares that March 10, 2003, is a day recognizing—

(A) the 50th anniversary of the establishment of the Foreign Agricultural Service; and

(B) the contributions of the Foreign Agricultural Service and employees and partners of the Service to agriculture in the United States.

SENATE CONCURRENT RESOLUTION 33—EXPRESSING THE SENSE OF THE CONGRESS REGARDING SCLERODERMA

Mr. CRAIG (for himself and Mr. REID) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

Whereas scleroderma is a debilitating and potentially fatal autoimmune disease with a broad range of symptoms which may be either localized or systemic;

Whereas scleroderma may attack vital internal organs, including the heart, esophagus, lungs, and kidneys, and may do so without causing any external symptoms;