

SEC. 2. ACQUITTED CONDUCT AT SENTENCING.

(a) USE OF INFORMATION FOR SENTENCING.—(1) AMENDMENT.—Section 3661 of title 18, United States Code, is amended by inserting “, except that a court of the United States shall not consider, except for purposes of mitigating a sentence, acquitted conduct under this section” before the period at the end.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply only to a judgment entered on or after the date of enactment of this Act.

(b) DEFINITIONS.—Section 3673 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking “As” and inserting the following: “(a) As”; and

(2) by adding at the end the following:

“(b) As used in this chapter, the term ‘acquitted conduct’ means—

“(1) an act—

“(A) for which a person was criminally charged and adjudicated not guilty after trial in a Federal, State, or Tribal court; or

“(B) in the case of a juvenile, that was charged and for which the juvenile was found not responsible after a juvenile adjudication hearing; or

“(2) any act underlying a criminal charge or juvenile information dismissed—

“(A) in a Federal court upon a motion for acquittal under rule 29 of the Federal Rules of Criminal Procedure; or

“(B) in a State or Tribal court upon a motion for acquittal or an analogous motion under the applicable State or Tribal rule of criminal procedure.”.

By Mr. DURBIN (for himself, Mr. GRAHAM, Ms. BALDWIN, Mr. GRASSLEY, Mrs. FEINSTEIN, Mr. CORNYN, Ms. KLOBUCHAR, Ms. MURKOWSKI, Mr. LEAHY, Mr. CRAPO, Mr. WHITEHOUSE, Ms. ERNST, Mr. BROWN, Mr. TILLIS, Mr. WYDEN, Mr. MENENDEZ, Ms. HIRONO, Mrs. SHAHEEN, Ms. WARREN, Ms. SMITH, Mr. BLUMENTHAL, Mr. REED, Mr. TESTER, Mr. SCHATZ, Mr. CASEY, Ms. CORTEZ MASTO, and Mr. PORTMAN):

S. 611. A bill to deposit certain funds into the Crime Victims Fund, to waive matching requirements, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 611

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 “VOCA Fix to Sustain the Crime Victims Fund Act of 2021”.

SEC. 2. COMPREHENSIVE FIX OF CRIME VICTIMS FUND AND COMPENSATION.

(a) CRIME VICTIMS FUND.—Section 1402 of the Victims of Crime Act of 1984 (34 U.S.C. 20101) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “; and” and inserting a semicolon;

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

(C) by adding at the end the following new paragraph:

“(6) any funds that would otherwise be deposited in the general fund of the Treasury collected pursuant to—

“(A) a deferred prosecution agreement; or

“(B) a non-prosecution agreement.”; and

(2) in subsection (e), by striking “Director” and inserting “Director, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General”.

(b) CRIME VICTIM COMPENSATION.—Section 1403 of the Victims of Crime Act of 1984 (34 U.S.C. 20102) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “40 percent in fiscal year 2002 and of 60 percent in subsequent fiscal years” and inserting “75 percent”; and

(B) in paragraph (2), by striking “of 40 percent in fiscal year 2002 and of 60 percent in subsequent fiscal years”; and

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

“(3) For the purposes of calculating amounts awarded in the previous fiscal year under this subsection, the Director shall not require eligible crime victim compensation programs to deduct recovery costs or collections from restitution or from subrogation for payment under a civil lawsuit.”;

(2) in subsection (b)(2) by striking “authorities;” and inserting “authorities, except if a program determines such cooperation may be impacted due to a victim’s age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim’s wellbeing;”; and

(3) in subsection (d)—

(A) in paragraph (3), by striking “; and” and inserting a semicolon;

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

(C) by adding at the end the following new paragraph:

“(5) the term ‘recovery costs’ means expenses for personnel directly involved in the recovery efforts to obtain collections from restitution or from subrogation for payment under a civil law suit.”.

SEC. 3. WAIVER OF MATCHING REQUIREMENT.

(a) IN GENERAL.—Section 1404(a) of the Victims of Crime Act of 1984 (34 U.S.C. 20103(a)) is amended by inserting at the end the following new paragraph:

“(7)(A) Each chief executive may waive a matching requirement imposed by the Director, in accordance with subparagraph (B), as a condition for the receipt of funds under any program to provide assistance to victims of crimes authorized under this chapter. The chief executive shall report to the Director the approval of any waiver of the matching requirement.

“(B) Each chief executive shall establish and make public, a policy including—

“(i) the manner in which an eligible crime victim assistance program can request a match waiver;

“(ii) the criteria used to determine eligibility of the match waiver; and

“(iii) the process for decision making and notifying the eligible crime victim assistance program of the decision.”.

(b) NATIONAL EMERGENCY WAIVER.—Section 1404(a) of the Victims of Crime Act of 1984 (34 U.S.C. 20103(a)), as amended by subsection (a), is further amended by inserting at the end the following new paragraph:

“(8) Beginning on the date a national emergency is declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to a pandemic and ending on the date that is one year after the date of the end of such national emergency, each chief execu-

tive shall issue waivers for any matching requirement, in its entirety, for all eligible crime victim assistance programs contracted to provide services at that time.”.

SUBMITTED RESOLUTIONS**SENATE RESOLUTION 95—RECOGNIZING THE DISPROPORTIONATE IMPACT OF COVID-19 ON WOMEN AND GIRLS GLOBALLY**

Mr. BOOKER (for himself, Mrs. MURRAY, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 95

Whereas the COVID-19 crisis exacerbates existing vulnerabilities for women and girls and has an outsized effect on health, safety, and livelihoods for marginalized communities;

Whereas it is estimated that the disruption of sexual and reproductive health care services and supply chains caused by the COVID-19 crisis caused an estimated 49,000,000 women to stop using contraceptives during just the first 6 months of the crisis, likely resulting in approximately 7,000,000 unintended pregnancies, 1,700,000 major obstetric complications, 28,000 maternal deaths, 168,000 newborn deaths, and 3,300,000 unsafe abortions;

Whereas lockdowns, quarantines, and other movement restrictions related to COVID-19 have disrupted access to legal and social services, as well as access to counseling, safe shelters, and medical treatment, exacerbating vulnerabilities for women and girls;

Whereas gender-based violence, such as domestic violence, child marriage, and female genital mutilation, has increased, and is expected to continue to increase, as a result of the COVID-19 crisis, including—

(1) an estimated 31,000,000 more gender-based violence cases during the first 6 months of shutdowns;

(2) an additional 13,000,000 child marriages by 2030; and

(3) an increase of approximately 2,000,000 cases of female genital mutilation between 2020 and 2030;

Whereas women play significant roles in the health care workforce, comprising 70 percent of health care workers globally, yet often are not prioritized for the receipt of personal protective equipment, disproportionately exposing them to contracting COVID-19;

Whereas women and girls perform 3 times the amount of unpaid care work in homes and in their communities as men, a burden that has increased during the COVID-19 crisis as women and girls are disproportionately responsible for caring for sick and elderly family and community members and children who are out of school, limiting the ability of women and girls to perform income-generating work, pursue education or skills building, or avoid exposure to COVID-19;

Whereas, globally, women living in poverty will endure specific economic effects as a result of the COVID-19 crisis, largely due to the overrepresentation of those women in the informal economy, the increase in their unpaid care burdens, and the particular hardships facing female entrepreneurs, such as—

(1) loss of jobs or pressure to turn to exploitative work, as women workers dominate in industries most affected by layoffs caused by the COVID-19 crisis, including hospitality, childcare, and tourism, and comprise

92 percent of individuals in the informal sector, which lacks social and legal protections in most countries;

(2) loss of business, as market closures, disruptions in global trading, and the collapse of supply chains have disproportionate effects on female-led businesses and female farmers, and enduring gaps in financial inclusion will have significant ramifications as women entrepreneurs continue to be considered high risk for bank services, formal loans, and credit;

(3) financial insecurity, as women have much lower, if any, pensions, retirement savings, or other assets to mitigate shocks as compared to men; and

(4) loss of necessary income that female-headed households depend on, such as remittances, which the World Bank expects will decrease by nearly 20 percent in 2020;

Whereas the COVID-19 crisis will uniquely affect women in agriculture, who provide more than 43 percent of the agricultural labor around the world and more than 60 percent of such labor in Africa yet whose ability to harvest, sell, and buy food and other products necessary for their food security and nutrition will worsen due to travel restrictions related to the crisis, ongoing discrimination in access to agricultural inputs and markets, and wage gaps and disproportionate unpaid care burdens for female farmers;

Whereas food insecurity will have unique effects on the nutrition and health of women and girls, who already comprise 60 percent of individuals experiencing hunger in the world, often rely on getting at least 1 nutritious meal each day from feeding programs at schools that may be shut down due to the COVID-19 crisis, and face shortages in nutritious food and nutrients given social norms that dictate that women and girls eat last and least when food is scarce;

Whereas girls, particularly adolescent girls, will be especially affected by the closures of schools resulting from the COVID-19 crisis, and it is estimated that, as of March 2020, nearly 743,000,000 girls, not including the approximately 132,000,000 girls who were already out of school before the onset of the crisis, are out of school due to such closures, and an additional 11,000,000 girls may leave school by the end of the COVID-19 crisis, with evidence suggesting that many will not return to school;

Whereas closures of schools due to the COVID-19 crisis will decrease the ability of girls to access education and skills building, increase the exposure of girls to gender-based violence, such as child marriage, exacerbate the vulnerability of girls to early pregnancy and childbirth-related complications, and impede access of girls to information about the prevention of COVID-19, protection services, and pathways to report abuse;

Whereas the COVID-19 crisis will place particular burdens on women and girls in humanitarian emergencies given challenges including overcrowded conditions, restrictions on travel and movement, already strained health, hygiene, and sanitation infrastructure, food shortages and malnutrition, already heightened exposure to gender-based violence, systematic and targeted attacks on health infrastructure and aid workers by parties to conflicts, politicization of aid and service delivery, and restricted humanitarian access, all of which exacerbates the spread and effect of infectious diseases;

Whereas the United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM), and the Department of State have expressed concern about an increase in human trafficking and smuggling as traffickers take advantage of increased vulnerabilities and chaos during the COVID-19 crisis;

Whereas the diversion of resources and services away from existing primary health care needs to address the COVID-19 crisis and contain the spread of COVID-19 will have particular effects on women and girls, including disruptions in the provision of life-saving health services unrelated to COVID-19, such as maternal health care and sexual and reproductive health services, and the loss of critical services and support to respond to gender-based violence;

Whereas the COVID-19 Global Humanitarian Response Plan coordinated by the United Nations is only 17 percent funded, leaving significant gaps in the response to immediate health and non-health needs of women and girls and other vulnerable populations, and ongoing humanitarian response plans, identified as a top priority by the United Nations given that people targeted in those plans will be the most affected by the direct and indirect effects of the COVID-19 crisis, remain only 17.3 percent funded;

Whereas estimates show that, globally, women are included in only 24 percent of national response plans for the COVID-19 crisis, and women and girls have been largely excluded from leadership and decision making related to responses to the crisis, resulting in response measures that may not fully account for how COVID-19 affects women and girls;

Whereas studies show that structural gender inequities, including low social status and unequal access to education, and lack of autonomous decision-making power negatively affects the ability of women to access vaccines for themselves and their children; and

Whereas humanitarian exemptions to sanctions and counterterrorism measures are vital for ensuring states and principled humanitarian actors are able to reach vulnerable women and girls with efficient, needs-based assistance, including COVID-19 response activities consistent with obligations under international humanitarian law, regardless of the location of those women and girls: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the critical importance of gender balance and inclusivity in bodies responsible for coordination and decision making related to the COVID-19 crisis, including in structures and task forces of the United States Government charged with developing policies and responses to the crisis;

(2) promotes integrating a gender lens throughout the response to the COVID-19 crisis by analyzing and tracking the effect of and response to the crisis on gender, including gathering evidence from data that is disaggregated by gender, age, and other specific variables;

(3) supports measures to ensure that life-saving health services including sexual and reproductive health and gender-based violence prevention and response are well resourced and supported, including within the COVID-19 Global Humanitarian Response Plan coordinated by the United Nations, and that funding earmarked for those services is not reduced, canceled, or diverted to other COVID-19 response activities;

(4) supports measures to ensure the continuation of adequate food and nutrition security for women and girls around the world affected by COVID-19, including women smallholder farmers and other women working in agriculture, in light of the unique challenges described in the preamble of this resolution;

(5) reinforces the need to ensure that short-term relief programming and longer-term economic strategies address the specific effects of COVID-19 on women globally, especially lower income, migrant, displaced, and other marginalized women;

(6) commends the executive branch for—

(A) rescinding the global gag rule, also known as the Mexico City Policy, which has been shown to lead to poorer health outcomes for women;

(B) resuming support for the United Nations Population Fund (UNFPA); and

(C) clearly stating the executive branch's policy of supporting sexual and reproductive health and rights around the world;

(7) urges the executive branch to uphold the rights of crisis-affected and forcibly displaced populations, including women and girls, further affected by COVID-19, by promoting compliance with international humanitarian and human rights legal obligations and engaging parties to conflicts to ensure unhindered access to health care, medical supplies, and other vital aid and protection;

(8) supports robust funding contributions by the United States for the international response to the COVID-19 crisis in addition to further funding for ongoing humanitarian appeals in support of vulnerable women and girls affected by COVID-19 and underlying emergencies;

(9) commits to continuously assess and eliminate any impediment to the delivery of and access to humanitarian assistance;

(10) urges the executive branch—

(A) to reaffirm United States leadership on gender-based violence in foreign assistance, including by championing and providing comprehensive mental and physical health care services for survivors; and

(B) to reestablish leadership and global standing on this critical issue; and

(11) urges the executive branch to address barriers to equitable COVID-19 treatment and vaccine access for women, girls, and marginalized communities as part of a holistic response to the global COVID-19 pandemic.

SENATE RESOLUTION 96—DESIGNATING MARCH 8 THROUGH MARCH 14, 2021, AS “WOMEN OF THE AVIATION WORKFORCE WEEK”

Ms. ROSEN (for herself and Mr. MORAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 96

Whereas the first week of March is internationally known as “Women of Aviation Worldwide Week”;

Whereas Women of Aviation Worldwide Week was created by the Institute for Women Of Aviation Worldwide;

Whereas the aviation industry is anticipating a significant shortage of skilled professionals in the coming years;

Whereas the Bureau of Labor Statistics of the Department of Labor projected that, in the next 10 years, the overall employment of airline and commercial pilots is expected to grow more than 6 percent in the United States;

Whereas less than 2 percent of the aircraft maintenance technicians in the world and less than 10 percent of all working aeronautical engineers are women;

Whereas the Federal Aviation Administration reports that less than 8 percent of pilots and only 26 percent of air traffic controllers in the United States are women;

Whereas women make up only 24 percent of the employees in the aerospace industry;

Whereas aviation is a science, technology, engineering, and mathematics (commonly known as “STEM”) focused career path;